



The Gazette of India.

PUBLISHED BY AUTHORITY.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART I.

Government of India Notifications, Appointments, Promotions, etc.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 4th December, 1901.

No. 34.—Mr. A. B. Wilson, Registrar of the Legislative Department, Government of India, has been granted by His Majesty's Secretary of State for India an extension of furlough for three months, with effect from the 14th December, 1901.

The 7th December, 1901.

No. 35.—In exercise of the power conferred by section 10 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), and section 1 of the Indian Councils Act, 1892 (55 & 56 Vict., c. 14) the Governor General is pleased to nominate the Hon'ble Mr. R. G. Hardy, C.S.I., of the Indian Civil Service, to be an Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations.

H. W. C. CAENDUFF,
Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Calcutta, the 6th December 1901.

No. 6194.—The following Proclamation by His Majesty the King, Emperor of India, dated the 4th November 1901, published in the Supplement to the

London Gazette of the 1st idem, is republished for general information guidance:—

By the KING.

A PROCLAMATION.

EDWARD, R.I.

WHEREAS an Act was passed in the last Session of Parliament, intituled "An Act to enable His Most Gracious Majesty to make an Addition to Royal Style and Titles in recognition of His Majesty's Dominions beyond Seas," which Act enacts that it shall be lawful for Us, with a view to such recognition as aforesaid of Our Dominions beyond the seas, by Our Royal Proclamation under the Great Seal of the United Kingdom issued within months after the passing of the said Act, to make such addition to the Style and Titles at present appertaining to the Imperial Crown of the United Kingdom and its Dependencies as to Us may seem fit: And whereas Our present Style and Titles are, in the Latin tongue, "Edwardus VII Dei Gratia Britanniarum Rex, Fidei Defensor, Indiæ Imperator," and in the English tongue "Edward VII, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, Emperor of India." We have thought fit, by and with the advice of Our Privy Council, to appoint and declare, as We do hereby, by and with the said advice, appoint and declare that henceforth so far as conveniently may be, on all occasions and in all instruments where Our Style and Titles are used, the following addition shall be made to the Style and Titles at present appertaining to the Imperial Crown of the United Kingdom and its Dependencies; that is to say, in the Latin tongue, after the word "Britanniarum," these words, "et terrarum transmarinarum quæ in ditione sunt Britannicæ"; and in the English tongue, after the words "of the United Kingdom of Great Britain and Ireland," these words, "and of the British Dominions beyond the Seas."

And Our will and pleasure further is, that all gold, silver, and bronze money now current and lawful moneys of the United Kingdom, and all gold, silver, and bronze moneys which shall, on or after this day, be coined by Our Authority with the like impressions, shall, notwithstanding such addition to Our Style and Titles, be deemed and taken to be current and lawful moneys of the said United Kingdom; and further, that all moneys coined for and issued in any of the Dependencies of the said United Kingdom, and declared by Our Proclamation to be current and lawful money of such Dependencies, respectively bearing Our Style or Titles, or any part or parts thereof, and all moneys which shall hereafter be coined and issued according to such Proclamation, shall, notwithstanding such addition, continue to be lawful and current money of such Dependencies respectively, until Our pleasure shall be further declared thereupon.

Given at Our Court at *Saint James's*, this fourth day of *November*, on thousand nine hundred and one, in the first year of Our Reign.

GOD Save the KING.

By order of His Excellency the Viceroy and
Governor General of India in Council

J. P. HEWETT,

Secretary to the Government of India.

No. 6222.—The following Notification, published in the *London Gazette Extraordinary*, dated the 9th November 1901, is republished for general information:—

WHITEHALL, NOVEMBER 9, 1901.

THE King has been pleased to order Letters Patent to be passed under the Great Seal, for creating His Royal Highness Prince George Frederick Ernest Albert, Duke of Cornwall and York (Duke of Rothesay, Prince of Wales).

Coburg and Gotha and Duke of Saxony, Earl of Carrick and Inverness, Baron of Renfrew and Killarny, Lord of the Isles and Great Steward of Scotland), K.G., K.T., K.P., G.C.M.G., G.C.V.O., PRINCE OF WALES AND EARL OF CHESTER.

No. 6223.—*Corrigendum.*—In Home Department Notification No. 6036, dated the 9th November 1901, announcing the award of the Kaisar-i-Hind Medal for Public Service in India of the Second Class, for "Innis Campbell, Esquire, of the Canadian Mission, Neemuch, Central India," read "Miss Kate Campbell, Canadian Presbyterian Mission, Neemuch, Central India."

ESTABLISHMENTS.

The 6th December 1901.

No. 1015.—The services of the undermentioned officers of the Indian Civil Service are replaced at the disposal of the Government of Madras, with effect from the 1st instant:—

Mr. D. G. Waller.
Mr. N. E. Marjoribanks.

MEDICAL.

The 4th December 1901.

No. 1660.—His Excellency the Governor General in Council has received with much regret intelligence of the death at Simla, on the 1st instant, of Surgeon General Robert Harvey, M.D., C.B., D.S.O., F.R.C.P., I.M.S. (Bengal), the Director General of the Indian Medical Service and Sanitary Commissioner with the Government of India.

Surgeon General Harvey had only just returned from furlough to resume the duties of the Director Generalship, a post to which he was first appointed in February 1898, after an honourable service extending over more than thirty years. By his death, towards the close of a long and distinguished career, the Government of India lose a valued public servant and a trusted adviser.

The 5th December 1901.

No. 1661.—Lieutenant-Colonel J. Lewtas, M.D., I.M.S. (Bengal), Professor of Ophthalmic Surgery in the Medical College, Calcutta, and Ophthalmic Surgeon, College Hospital, is granted privilege leave for one month and nine days, with furlough out of India for ten months and twenty-one days in continuation, with effect from the 12th December 1901.

No. 1662.—Major A. W. D. Leahy, M.D., F.R.C.S., I.M.S. (Bengal), Civil Surgeon of Darjeeling, is appointed to officiate as Professor of Ophthalmic Surgery in the Medical College, Calcutta, and Ophthalmic Surgeon, College Hospital, during the absence on leave of Lieutenant-Colonel J. Lewtas, M.D., I.M.S. (Bengal), or until further orders.

No. 1669.—The services of Captain J. E. Hughes, 2nd Madras Lancers, are replaced at the disposal of His Excellency the Commander-in-Chief.

No. 1671.—The services of Lieutenant-Colonel G. J. Kellie, I.M.S. (Bengal), are replaced at the disposal of the Military Department, with effect from the date on which he was relieved of his duties as Officiating Sanitary Commissioner, Hyderabad Assigned Districts.

SANITARY.

PLAGUE.

The 4th December 1901.

No. 2253.—The following Notices of the Board of Trade are published for general information:—

(F. & H. 15848.)

Board of Trade (Fisheries and Harbour Department), London, November 1, 1901.

The Board of Trade have received, through the Secretary of State for the Colonies, a copy of the following Quarantine Notices from the *Cyprus Gazette* of the 14th October:—

No. 5790. Quarantine.

Under the power and authority vested in him by the "Quarantine Ordinance, 1879," His Excellency the High Commissioner orders that all direct

arrivals from Naples be subjected to five days' quarantine to be undergone at Larnaca. All direct arrivals from other Italian ports shall be subjected to medical inspection at port of arrival.

1st October, 1901.

No. 5791. Quarantine.

Under the power and authority vested in him by the "Quarantine Ordinance, 1879," His Excellency the High Commissioner directs that any vessel arriving from Constantinople, Smyrna, or Sumsoon, shall be subjected to five days' quarantine to be undergone at Larnaca, unless such vessel shall have performed five days' quarantine at an intermediate port, and shall be provided with a clean bill of health, and further that any such vessel which has performed quarantine for less than five days at an intermediate port and although provided with a clean bill of health shall not be admitted to free pratique, but must complete the five days at Larnaca. All arrivals from other Turkish ports will be subjected to medical inspection at port of arrival.

1st October, 1901.

No. 5792.

Under the power and authority vested in him by the "Quarantine Ordinance, 1879," His Excellency the High Commissioner directs that any vessel arriving from any port or place on the coast of Egypt, which left on or after the 5th instant, shall be subjected to eight days' quarantine to be undergone at Larnaca, unless such vessel shall have performed eight days' quarantine at an intermediate port, and shall be provided with a clean bill of health, and further that any such vessel which has performed quarantine for less than eight days at an intermediate port, and although provided with a clean bill of health, shall not be admitted to free pratique, but must complete the eight days at Larnaca.

The High Commissioner further directs that the quarantine on all vessels trading between Cyprus and Egypt, which carry a quarantine guard from Cyprus on board, shall be reckoned from the date of departure from Egypt.

5th October, 1901.

No. 5793.

Under the power and authority vested in him by the "Quarantine Ordinance, 1879," His Excellency the High Commissioner is pleased to direct that all arrivals in Cyprus from Syrian ports will be subjected to 48 hours' quarantine with disinfection to be undergone at Larnaca.

5th October, 1901.

(F. & H. 15890.)

Board of Trade (Fisheries and Harbour Department), London, November 1, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of the following Telegram from His Majesty's Representative at Havre:—"The port of Liverpool is considered contaminated with plague. All vessels coming from that port to French channel ports from Pontorson to St. Valery-sur-Somme, including the Seine, must first come to Havre for disinfection."

(F. & H. 15891.)

Board of Trade (Fisheries and Harbour Department), London, November 1, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of the following Telegram from His Majesty's Representative at Sofia:—"Liverpool declared to be infected with plague from October 21."

Board of Trade (Fisheries and Harbour Department), London, November 1, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of the following Telegram, dated 1st November, from His Majesty's Representative at Rome:—"Sanitary ordinance issued to-day against arrivals from Liverpool."

(F. & H. 15948.)

Board of Trade (Fisheries and Harbour Department), London, November 4, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of the following Telegram from His Majesty's Representative at Brest:—"Health Officer informs me Liverpool is affected by bubonic plague. Vessels from there entering French ports subject to medical examination before communicating with the shore."

(F. & H. 15990.)

Board of Trade (Fisheries and Harbour Department), London, November 5, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of the following Telegram from His Majesty's Representative at St. Petersburg:—"Liverpool and Glasgow declared dangerous from plague from 1st and 2nd instant respectively."

(F. & H. 15991.)

Board of Trade (Fisheries and Harbour Department), London, November 5, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of the following Telegram from His Majesty's Representative at Sofia:—"Glasgow declared to be infected with plague from the 30th of October."

(F. & H. 15992.)

Board of Trade (Fisheries and Harbour Department), London, November 5, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of the following Telegram from His Majesty's Representative at Galveston:—"Five days' quarantine imposed on arrivals from Liverpool and Glasgow."

(F. & H. 15993.)

Board of Trade (Fisheries and Harbour Department), London, November 5, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of the following Telegram from His Majesty's Representative at Havre:—"Glasgow is considered contaminated with plague, and vessels from that port are subjected to same regulations as those from Liverpool."

(F. & H. 15994.)

Board of Trade (Fisheries and Harbour Department), London, November 5, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of the following Telegram from His Majesty's Representative at Brest:—"Health Officer informs me that Glasgow, as well as Liverpool, is affected by bubonic plague. Vessels arriving from either of these

ports not allowed to enter French ports in district of Brest, and will be sent to St. Nazaire or Havre to be disinfected."

(F. & H. 15995.)

Board of Trade (Fisheries and Harbour Department), London, November 5, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of the following Telegram from His Majesty's Representative at Galatz:—"Six days' quarantine imposed on arrivals from Liverpool, Glasgow, and Batoum at Sulina—Clause of Venice Convention relating to prohibited imports applied—Mangalia and Constantza closed."

The 5th December 1901.

No. 2270.—The following telegram is published for general information:—

Dated Pera, the 29th November 1901.

From—His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at Constantinople,

To—His Excellency the Viceroy.

Constantinople foul. One case of plague.

The 6th December 1901.

No. 2275.—The following Notice of the Board of Trade is published for general information:—

(F. & H. 16120.)

Board of Trade (Fisheries and Harbour Department), London, November 7, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of a Despatch, dated the 14th October, from His Majesty's Representative at Rio de Janeiro, intimating that by Decree, dated September 30, the period for rigorous quarantine in the ports of the Republic has been reduced to ten days, instead of twenty formerly imposed.

It is also intimated that all vessels leaving Rio for other Brazilian ports are required to repair to the quarantine station at Ilha Grande for disinfection, and those carrying passengers must have a medical officer on board. At port of entry they are at once granted free pratique when the sanitary conditions on board are satisfactory.

Passengers and crews are submitted to medical inspection before leaving the port of Rio.

JUDICIAL.

The 3rd December 1901.

No. 1600.—Mr. H. Adamson, Indian Civil Service, is appointed to officiate as Judicial Commissioner of Upper Burma during the remainder of Mr. H. Thirkell White's absence on furlough or until further orders.

ECCLESIASTICAL.

The 5th December 1901.

No. 533.—The following rule is substituted for Rule XI of the Subsidiary Rules for the erection, repair and endowment of monuments in Government Cemeteries published in Home Department Notification No. 247, dated the 7th June 1901:—

Rule XI.—Joint estimates shall be framed in October of each year by the Executive Engineer and the Chaplain, or other officer in charge of the Cemetery, of the cost of repairs of endowments, during the following official year, and the aggregate of the sums so estimated shall not exceed the estimated interest at 3½ per cent. per annum on the capital sum deposited up to 31st March preceding, plus the unspent balance at the end of the previous year. The Executive Engineer should budget annually for the grant required; such grant would be entered in a ledger sum under the head "Civil Works" without any distinction between ordinary and special endowments.

No. 544.—The Reverend C. Stewart, a Chaplain on probation, is appointed to be a Junior Chaplain on the Bengal (Lahore) Ecclesiastical Establishment, with effect from the 22nd November 1901.

J. P. HEWETT,

Secretary to the Government of India

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATIONS.

PRACTICAL ARTS AND MUSEUMS.

Calcutta, the 2nd December 1901.

No. 3208—11-30.—The names of the Governors appointed to represent India on the Governing Body of the Imperial Institute during the year ending 23rd July 1902 are published for general information :—

(1) *On behalf of the Government of India—*

Alan Cadell, Esq., C.S.I., I.C.S. (retired).
T. W. Holderness, Esq., C.S.I., I.O.S. (retired).
J. S. Gamble, Esq. (late Indian Forest Service.)

(2) *On behalf of Local Governments and Native States—*

Madras	Sir Henry W. Bliss, K.C.I.E.
Bombay	Sir Raymond West, K.C.I.E.
Bengal	Sir Charles Elliott, K.C.S.I.
North-Western Provinces and Oudh	W. C. Bennett, Esq., I.C.S. (retired).
Punjab	W. Coldstream, Esq., I.C.S. (retired).
Native States	G. W. Vidal, Esq., I.C.S. (retired).

(3) *On behalf of Indian Chambers of Commerce—*

Karachi	A. E. Hoare, Esq.
Northern India	T. E. Strachey, Esq.
Calcutta	H. B. H. Turner, Esq., C.I.E.
Bombay	Sir Frank Forbes Adam, K.C.I.E.

(4) *On behalf of Indian Institutions—*

British Indian Association	} Sir Cecil Stevens, K.C.S.I.
Behar Land-holders' Association	
Gujarat Vernacular Society	Sir James B. Peile, K.C.S.I.

EMIGRATION.

The 5th December, 1901.

No. 4082—98-2.—The following draft of a notification which it is propose to issue in exercise of the powers conferred by section 80 of the Indian Emigration Act, 1883 (XXI of 1883), is published, as required by section 81 of the said Act for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration by the Governor General in Council on or after the 7th January, 1902.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor General in Council.

DRAFT NOTIFICATION.

In exercise of the power conferred by section 80 of the Indian Emigration Act, 1883 (XXI of 1883), the Governor General in Council is pleased to direct that in Schedule E appended to, and referred to in rule 98 of, the rules published with the Notification of the Government of India in the Department of Revenue and Agriculture, No. 94 E., dated the 18th March, 1886, as subsequently amended, after the words and brackets "saltpetre (nitrate of potash)" the words "unless stowed in a separate compartment, so as to prevent its coming in contact with any inflammable substance," shall be added.

FAMINE.

The 2nd December, 1901.

No. 4053-37-26.—The services of Mr. D. O. Waller, I.C.S., Madras establishment, which were placed at the disposal of the Government of Bombay for employment on famine duty by Notification No. 902, dated 22nd March, 1901, are replaced at the disposal of the Home Department with effect from 1st December, 1901.

GENERAL.

The 3rd December, 1901.

No. 3215-71-38.—The services of Mr. N. E. Marjoribanks, of the Indian Civil Service, are replaced at the disposal of the Home Department, with effect from the afternoon of the 30th November, 1901.

FORESTS.

The 4th December, 1901.

No. 1220-F-207-6.—Mr. C. Bagshawe, Conservator of Forests, 1st grade, Berar, is permitted to retire from the service of Government, with effect from 20th November, 1901.

From the same date the following appointments are made :—

- (1) Mr. E. E. Fernandez, Conservator, 2nd grade, on return from the furlough granted him in the Notification of this Department, No. 766 F., dated the 19th September, 1900, is posted to the charge of the Berar Forest Circle.
- (2) Mr. J. A. McKee, Conservator, 2nd grade, Central Provinces, to be Conservator, 1st grade.
- (3) Mr. F. B. Manson, Conservator, 3rd grade, on furlough, to be Conservator, 2nd grade.
- (4) Mr. F. Beadon Bryant, Deputy Conservator, North-Western Provinces and Oudh, on furlough, to be Conservator, 3rd grade.

J. B. FULLER,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla ; the 28th November, 1901.

No. 1881-G.—The services of Captain J. F. Whyte, Indian Staff Corps, a Political Assistant of the 1st (officiating Political Agent of the 4th) class, are placed temporarily at the disposal of the Government of the Punjab for employment on settlement work.

Fort William ; the 5th December, 1901.

No. 1894-G.—The undermentioned officer granted leave to proceed out of India, medical certificate, under the leave rules of the staff corps ; the specified period to run from the date of the termination of the furlough leave which was granted to him by notification of the Government of the Punjab No. 1998 ^{Home} _{Gazette}, dated the 23rd November, 1901 :—

Lieutenant H. Stewart, Indian Staff Corps, a Supernumerary Assistant Commissioner in the Punjab, for six months.

Pension Service, ninth year, commencing 15th March, 1901.

No. 1898-G.—Captain A. P. Trevor, Indian Staff Corps, a Political Assistant of the 2nd (officiating 2nd) class, is posted as Assistant Commissioner, Thal-Chotiali, and Assistant Political Agent, Sinjawi and Railway District.

No. 1899-G.—Lieutenant F. Bigg-With, Indian Staff Corps, a Political Assistant of the 3rd class, is posted as Assistant Political Agent in Zhob.

No. 1900-G.—Captain A. P. Trevor, Indian Staff Corps, a Political Assistant of the 2nd (officiating 2nd) class, is posted as Assistant Political Agent in Zhob.

No. 1901-G.—Captain H. A. K. Gou, Indian Staff Corps, a Political Assistant of the 3rd (officiating 2nd) class, is posted as Assistant Commissioner, Thal-Chotiali, and Assistant Political Agent, Sinjawi and Railway District.

No. 1902-G.—Captain A. D. G. Rams, Indian Staff Corps, a Political Assistant of the 3rd (officiating 2nd) class, is posted as an Assistant to the Agent to the Governor-General in Baluchistan.

No. 1903-G.—Captain H. B. Peacock, Indian Staff Corps, a Political Assistant of the 4th class, is appointed to officiate as a Political Agent of the 4th class, and is posted as Assistant Political Agent and Assistant Commissioner in Quetta and Pishin.

No. 1906-G.—With reference to notification No. 1362-G., dated the 15th August, 1901, the provisional recognition by the Government of India of the appointment of the Viscount Wrem as Consul General for Portugal in Bombay has been confirmed by His Majesty's Government.

No. 1909-G.—With reference to notification No. 888-G., dated the 10th May, 1900, Mr. W. Simson, Consular Agent for the Austro-Hungarian Empire at Cocanada, has resumed charge of his office.

H. S. BARNES,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

SEPARATE REVENUE. POST OFFICE.

Calcutta, the 3rd December, 1901.

No. 6130-S. R.—In exercise of the powers conferred by section 31 of the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that the word "Watches" shall be omitted from rule 61 of the rules published in the Notification in this Department, No. 1429c-S. R., dated the 30th March, 1899.

LEAVE AND APPOINTMENTS.

The 4th December, 1901.

No. 6146-P.—The following promotions and reversions of officers of the Account Department during the month of October, 1901, are notified:—

With effect from the 7th of October, 1901, in consequence of the grant of privilege leave to Mr. M. Bhattacharyya—

Mr. F. C. Brewin to officiate in Class III, and

Mr. J. S. Milne to officiate in Class IV, of the Enrolled List.

With effect from the 17th of October 1901—

Mr. H. Oung to officiate in Class II, instead of in Class I,

Mr. W. D. F. Cowley to revert to Class III,

Mr. F. C. Brewin to revert to Class IV, and

Mr. J. S. Milne to officiate in Class V, instead of in Class IV, of the Enrolled List.

With effect from the same date—

Mr. W. H. Michael to officiate in Class III of Accountants General,

Mr. F. G. H. Anderson to officiate in Class I of the Enrolled List, instead of in Class III of Accountants General,

Mr. W. S. Adie to officiate in Class II, instead of in Class I,

Mr. A. H. Anthony to revert to Class III,

Mr. A. Newmarch to revert to Class IV, and

Mr. M. K. Ghatak to officiate in Class V, instead of in Class IV, of the Enrolled List.

SEPARATE REVENUE. STAMPS.

The 6th December, 1901.

No. 6167-S. R.—In exercise of the power conferred by section 9, clause (a), of the Indian Stamp Act, 1899 (II of 1899), the

Governor General in Council is pleased, where a fresh mortgage-deed is executed in lieu of a previous mortgage-deed for the purpose of giving effect to the provisions of section 9, sub-section (2), of the Punjab Alienation of Land Act, 1900 (XIII of 1900), to remit so much of the duty with which such fresh mortgage-deed is chargeable as is not in excess of the duty already paid in respect of such previous mortgage-deed.

J. F. FINLAY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 6th December, 1901.

APPOINTMENTS.

REMOUNT DEPARTMENT.

No. 1075.—Major S. F. Crocker, 9th Bengal Lancers, Superintendent of the temporary Remount Depôt, Umballa, is appointed Superintendent, Remount Depôt, Calcutta, *vice* Lt.-Colonel C. V. B. Kuper, Royal Artillery, reverted to regimental duty. Dated the 7th November, 1901.

SUPPLY AND TRANSPORT CORPS.

No. 1076.—Captain W. E. F. Burlton, Indian Staff Corps, to be Supply and Transport Officer, 3rd class, with effect from the 22nd November, 1901.

No. 1077.—Captain W. N. Lushington, Indian Staff Corps, to be Supply and Transport Officer, 5th class, with effect from the 20th November, 1901.

No. 1078.—The following appointment is made with effect from the date of joining:—

No. 50 Silladar Camel Cadre.

Nawab Khan to be Ressaidar, on probation, on the formation of the cadre.

NATIVE ARMY.

No. 1079.—The following direct appointments are made with effect from the date of joining:—

18th Regiment of Bengal Infantry.

Ali Muhammad Khan to be Jemadar, on probation, to fill an existing vacancy.

38th Dogra Infantry.

Mian Raghu Nath Singh, to be Jemadar, on probation, to fill an existing vacancy.

LONDON GAZETTE.

No. 1080.—The following extracts are published for general information:—

"Supplement to the London Gazette," dated the 9th November, 1901, pages 7287 and 7288.

* * * * *

India Office, 9th November, 1901.

The King has been graciously pleased to make the following promotions in, and appointments to, the Most Eminent Order of the Indian Empire:—

To be Knights Grand Commanders.

General Sir Arthur Power Palmer, K.C.B.,
Commander-in-Chief in India.

* * * * *

To be Companions.

* * * * *

Lieutenant-Colonel John Clibborn, Indian Staff Corps.

Lieutenant-Colonel George Wingate, Indian Staff Corps.

Lieutenant-Colonel George Hart Desmond Gimlette, M.D., Indian Medical Service.

* * * * *

Major Alexander Fleetwood Pinhey, Indian Staff Corps.

* * * * *

Captain Frank Cooke Webb Ware, Indian Staff Corps.

Honorary Major Thomas Henry Hill, lately Senior Assistant-Surgeon, Indian Subordinate Medical Department.

* * * * *

India Office, 9th November, 1901.

KAISAR-I-HIND MEDAL FOR PUBLIC
SERVICE IN INDIA.

The King has been pleased to approve of the grant of the Gold Medal to the following:—

* * * * *

Major Thomas Edward Dyson, M.B., C.M.,
Indian Medical Service.

* * * * *

Colonel Samuel Swinton Jacob, C.I.E., Indian Staff Corps.

* * * * *

Lieutenant-Colonel James McCloghry, F.R.C.S.,
Indian Medical Service.

* * * * *

Captain Edmund Wilkinson, F.R.C.S., Indian Medical Service.

"*London Gazette*," dated the 12th November,
1901, page 7294.

WAR OFFICE,
Pall Mall, 12th November, 1901.

* * * * *

STAFF.

* * * * *

Colonel (temporary Major-General) W. Hill,
C.B., Indian Staff Corps, to be Inspector-General of Volunteers in India. Dated 9th August, 1901.

* * * * *

MEMORANDA.

Colonel (temporary Brigadier-General) W. Hill, C.B., Indian Staff Corps, is granted the temporary rank of Major-General whilst employed as Inspector-General of Volunteers in India, from 9th August, 1901, and not as stated in the Gazette of 26th July, 1901.

Captain and Brevet Lieutenant-Colonel V Manning, Indian Staff Corps, is granted local rank of Brigadier-General whilst employed as Inspector-General of the Military Force in the African Protectorates administered by Foreign Office. Dated 1st October, 1901.

* * * * *

PROMOTIONS.

INDIAN STAFF CORPS.

No. 1081.—The following promotions made, subject to His Majesty's approval:—

Captains to be Majors.

5th December, 1901.

Henry Ingham Evered Palmer.

Thomas Webster.

Morton Stevens.

Gerhardt L'Honneux Sanders.

Brevet-Major William Cross Barratt, D.S.

Lieutenants to be Captains.

16th November, 1901.

Albany Robert Cecil Savile.

19th November, 1901.

John Glennie Greig.

James Duncan Macpherson.

30th November, 1901.

Ronald Edward Elliott Kriekenbeek.

Second-Lieutenant to be Lieutenant.

1st July, 1901.

Samuel Paynter Musson.

SUPPLY AND TRANSPORT CORPS.

Bengal.

No. 1082.—Assistant Commissary and Honorary Lieutenant Thomas James Ellis to be Deputy Commissary, and to have the honorary rank of Captain, subject to His Majesty's approval, with effect from the 22nd November 1900, to complete complement.

No. 1083.—Sergeant James Longmate to be Sub-Conductor, with effect from the 2nd December, 1900, *vice* Sub-Conductor (supernumerary Deputy Assistant Commissary and Honorary Lieutenant) M. Neill, seconded.

No. 1084.—Assistant Commissary and Honorary Lieutenant Samuel Craig to be Deputy Commissary, and to have the honorary rank of Captain, subject to His Majesty's approval; Deputy Assistant Commissary and Honorary Lieutenant Charles Wiltshire to be Assistant Commissary;

Conductor William Cullen to be Deputy Assistant Commissary, and to have the honorary rank of Lieutenant, subject to His Majesty's approval;

Sub-Conductor John Gregory to be Conductor;

Sergeant Walter John Wright to be Sub-Conductor,—

with effect from the 28th December, 1900 *vice* Deputy Commissary and Honorary Captain H. Stenson, retired.

NATIVE ARMY.

No. 1085.—The following promotions are made in the undermentioned regiments :—

4th Bengal Lancers.

Jemadar Khem Singh to be Ressaider and Dafadar Gurdit Singh to be Jemadar, *vice* Jhanda Singh, transferred to the pension establishment, with effect from the 1st August, 1901.

12th Bengal Cavalry.

Jemadar Pakhar Singh to be Ressaider, *vice* Prem Singh discharged, with effect from the 13th October, 1901.

2nd Madras Lancers.

Jemadar Sadasiva Rao to be Subadar, and No. 1515 Squadron Havildar-Major Hari Rao to be Jemadar, *vice* Subadar Jeyram Sing, transferred to the pension establishment, with effect from the 6th September, 1901.

6th Fat Light Infantry.

Jemadar Ude Ram to be Subadar, *vice* Bagh Mal, transferred to the pension establishment, with effect from the 1st November, 1901.

40th Punjab Infantry.

Jemadar Malapa to be Subadar, *vice* Ali Khan, transferred to the pension establishment, with effect from the 1st July, 1901.

3rd Madras Light Infantry.

No. 1351 Drill-Havildar Abdur Razzak to be Jemadar, *vice* Hayat Khan, transferred to the pension establishment, with effect from the 1st July, 1901.

Jemadar Mir Zahiruddin to be Subadar, and No. 1406 Havildar Farid Khan to be Jemadar, *vice* Abdul Basit, transferred to the pension establishment, with effect from the 6th July, 1901.

17th Madras Infantry.

No. 3269 Colour-Havildar Abdur Rahman to be Jemadar, *vice* Sayyid Fakir-ud-din, promoted, with effect from the 1st September, 1901.

23rd Madras Light Infantry.

Jemadar Muhammed Ghaus to be Subadar, and Nos. 1643 and 1198 Havildar Muhammad Abdul Subhan and Havildar-Major Rangasami to be Jemadars, *vice* Subadar Rangayya and Jemadar Rangasami, seconded for service with the 3rd Madras Light Infantry, with effect from the 7th October, 1901.

RETIREMENTS.

No. 1086.—Lieutenant-Colonel William Hutt Curzon Wyllie, C.I.E., Indian Staff Corps, Political employ, Rajputana, has been permitted by the Secretary of State for India to retire from the service, with effect from the 17th July, 1901, subject to His Majesty's approval.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No. 1087.—*Calcutta Port Defence Volunteer Corps (Naval Division)*—

Chief Engineer Graham Robertson resigns his commission with effect from the 25th October, 1901.

No. 1088.—*Bombay Volunteer Artillery*—

Captain Henry Alfred Handley Payne to be Major, with effect from the 6th November, 1901, *vice* Wilson, resigned.

No. 1089.—*2nd Punjab (Simla) Volunteer Rifles*—

Captain Charles Frederick Minchin (Unattached List) resigns his commission, with effect from the 14th November, 1901.

Captain George Cooper resigns his commission, with effect from the 14th November, 1901.

No. 1090.—*1st Battalion, Calcutta Volunteer Rifles*—

Francis Higgins Pell, Gentleman, to be Second-Lieutenant, with effect from the 24th October, 1901, *vice* Chater, transferred to the supernumerary list.

No. 1091.—*3rd (Cadet) Battalion, Calcutta Volunteer Rifles*—

George Henry Louis Mackenzie, Esq., to be Major, with effect from the 1st November, 1901, *vice* Ellis, transferred to the supernumerary list.

No. 1092.—*East Indian Railway Volunteer Rifles*—

Second-Lieutenant Paul John Brühl to be Lieutenant, with effect from the 1st April, 1901, *vice* Froom, promoted.

Allan Manson Buchanan, Gentleman, to be Second-Lieutenant, with effect from the 1st April, 1901, *vice* Goodfellow, promoted.

No. 1093.—*Oudh Volunteer Rifles*—

Captain Thomas Richard Read to be Major, with effect from the 1st November, 1901, *vice* Pope, promoted.

Lieutenant Arthur Edwin Pierpoint to be Captain, with effect from the 30th July, 1901, *vice* McElhinney, resigned.

Lieutenant Cecil Ford Anderson, Royal Engineers, to be Captain, with effect from the 1st November, 1901, *vice* Read, promoted.

Second-Lieutenant Sherbrooke Augustus John Keating to be Lieutenant, with effect from the 30th July, 1901, *vice* Pierpoint, promoted.

No. 1094.—*Cawnpore Volunteer Rifles*—

Robert Philip Atkinson, Gentleman, to be Second-Lieutenant, *vice* Ryan, promoted.

No. 1095.—*Agra Volunteer Rifles*—

Charles Allan Mumford, Gentleman, to be Second-Lieutenant, with effect from 15th November, 1901, *vice* Green, transferred to the supernumerary list.

No. 1096.—*South Indian Railway Volunteer Rifles*—

Henry William McCauly-Hayes, Gentleman, to be Second-Lieutenant, with effect from the 1st October, 1901, on augmentation.

No. 1097.—*Southern Mahratta Railway Rifles*—

Lieutenant Charles Rowbotham to be Captain, with effect from the 15th March, 1901, *vice* Wright, transferred to the supernumerary list.

Lieutenant Beresford Charles Scott to be Captain, with effect from the 1st June, 1901, *vice* Scott, deceased.

Lieutenant Albert Ashley Biggs to be Captain, with effect from the 6th June, 1901, *vice* Willans, resigned.

No. 1098.—East Coast Rifle Volunteers—

Herbert Henry Dains, Gentleman, to be Second-Lieutenant, with effect from the 17th October, 1901, *vice* Davis, promoted.

MEDALS AND DECORATIONS.

No. 1099.—His Excellency the Governor-General of India is pleased to confer the Volunteer Officers' Decoration upon the undermentioned officers of the Indian Volunteer Force, who have been duly recommended for the same, under the Royal Warrant of the 24th May, 1894 (India Army Circulars, clause 101, of 1894):—

Northern Bengal Mounted Rifles.

Honorary Captain and Paymaster Richard Mytton.

Burma Railways Volunteer Corps.
Captain Norman Medlicott Carnell.

MARINE DEPARTMENT.

FURLOUGH AND LEAVE.

No. 42.—The undermentioned officer has been granted an extension of leave by the Secretary of State for India:—

Lieutenant L. F. Philbrick, Royal Indian Marine, (m.c.) for three months.

E. G. BARROW, *Major-General,*

Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 6th December, 1901.

Under clause 53 of the Regulations appended to the Regimental Debts Act, 1893, it is notified that a report of the death of the undermentioned Commissioned Officer on the date specified was received in the Military Department between the 30th November and 6th December, 1901:—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
Indian Medical Service	Surgeon-General Robert Harvey, M.D., C.B., D.S.O.	1st December, 1901.	Simla . .	...	...

Statement of Deposits on account of Estates between the 30th November and 6th December, 1901.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total un-claimed amount deposited.	Date to which claims will be received.
William Alfred Cochrane (a) .	Honorary Lieutenant and Quartermaster.	4th Hussars	22nd May, 1901.	Testate	R s. p. 2,044 10 4	6th February, 1902.
Cunliffe Hamilton Martin (b) .	Lieutenant.	4th Bengal Lancers.	5th October, 1900.	Intestate	62 15 9	...
Aylmer MacIver Campbell (c) .	Captain .	3rd Punjab Cavalry.	10th November, 1900.	Testate	500 0 0	...
George Lemon Walker, M.D. (d).	Lieutenant-Colonel.	Indian Medical Service.	31st May, 1901.	Ditto	1,622 0 9	6th February, 1902.
George Frederick Cardew (e) .	Lieutenant .	1st Battalion The Dorsetshire Regiment.	16th November, 1900.	Intestate	432 2 4	Ditto.

(a) *Next of kin, Mother.*—Mrs. Cochrane.
Address.—28, Adams Street, Belfast, Ireland.

(b) *Next of kin, Father.*—Colonel Cunliffe Martin, C.B.
Address.—Delmar, Cheltenham, England.

(c) *Widow.*—Mrs. Mabel MacIver Campbell.
Address.—Care of Messrs. Henry S. King & Co., 45, Pall Mall, London, S. W.

(d) *Widow.*—Mrs. Margaret Elizabeth Walker.
Children.—Eileen Flora Walker.
Charles Clarke Walker.
Margaret Fraser Walker.
Sheelah Kathleen Walker.
Address.—1, Springfield Crescent, Jersey, England.

(e) *Next of kin, Father.*—Colonel G. M. Cardew.
Address.—12, Victoria Terrace, Exeter, England.

E. G. BARROW, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.**RAILWAYS.****NOTIFICATIONS.**

Calcutta, the 2nd December, 1901.

No. 479.—Mr. A. H. Wollaston, Examiner of Accounts, is transferred from the office of the Examiner of Accounts, Eastern Bengal State Railway, to that of the Examiner, Public Works Accounts, North-Western Provinces and Oudh.

No. 480.—Mr. W. C. Davis, Examiner of Accounts, is transferred from the office of the Examiner, Public Works Accounts, North-Western Provinces and Oudh, to that of the Examiner of Accounts, Eastern Bengal State Railway.

The 3rd December, 1901.

No. 483.—Mr. T. W. Bartlett, Superintending Engineer, 3rd class, *s. p. t.*, State Railways, has been granted, by His Majesty's Secretary of State for India, furlough to the 15th November, 1902, in extension of the seven months' combined leave granted in Public Works Department Notification No. 132, dated the 23rd March, 1901.

No. 484.—Mr. J. E. Dallas, Executive Engineer, 1st grade, State Railways, is, on relief of his duties as Officiating Consulting Engineer to the Government of India for Railways, Lucknow, attached to the same office, until further orders.

The 5th December, 1901.

No. 487.—Mr. A. T. Goodfellow, Examiner of Accounts, employed under the Burma Railways Company, is permitted to retire from the service with effect from the afternoon of the 3rd November, 1901, under article 712 (c) of the Civil Service Regulations.

The 6th December, 1901.

No. 489.—With reference to Public Works Department Notification No. 477, dated the 29th November, 1901, Mr. J. S. Brown, Superintending Engineer, 2nd class, temporary rank, State Railways, reverted to Executive Engineer, 1st grade, and Officiating Superintending Engineer, 3rd class, with effect from the 15th November, 1901.

This cancels Public Works Department Notification No. 471, dated 12th November, 1901.

No. 490.—With reference to Notification No. 489, Mr. J. S. Brown, Executive Engineer, 1st grade, and Officiating Consulting Engineer for Railways, Burma, ceased to officiate as Superintending Engineer from the forenoon of the 24th November, 1901, on relief by Mr. G. V. Martyn, and was appointed Deputy Consulting Engineer for Railways, Burma, from that date.

No. 491.—Mr. G. V. Martyn, Chief Engineer, 2nd class, State Railways, and Consulting Engineer for Railways, Burma, was placed on special duty with the Railway Commission, from the 15th to the 23rd November, 1901, both days inclusive.

No. 492.—Mr. F. D. Fowler, Executive Engineer, 1st grade, State Railways, has been granted, by His Majesty's Secretary of State for India, furlough on medical certificate to the 16th February, 1902, in extension of the 12 months' leave notified in Public Works Department Notification No. 63, dated 22nd February, 1901.

A. BRERETON,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.**IRRIGATION, ROADS AND BUILDINGS.****NOTIFICATIONS.**

Calcutta, the 2nd December, 1901.

No. 481.—With reference to Public Works Department Notification No. 467, dated 8th November, 1901, Mr. J. T. Farrant, Executive Engineer, 1st grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the 12th November, 1901.

The 3rd December, 1901.

No. 482.—Mr. A. J. Fox, Examiner of Accounts, is granted privilege leave for 3 months in combination with furlough for 1 year 3 months and 11 days, under articles 264A and 340 (d) of the Civil Service Regulations.

The 4th December, 1901.

No. 485.—The services of Mr. H. Groves, Chief Engineer and Secretary to the Government of Burma in the Public Works Department, which were temporarily placed at the disposal of the Government of Madras in Public Works Department Notification No. 467, dated 26th October, 1899, are replaced at the disposal of the Government of Burma.

The 5th December, 1901.

No. 486.—With reference to Notification No. 312, dated 1st August, Lalla Rulla Ram, Deputy Examiner of Accounts, temporary rank, reverted to his substantive appointment of Accountant, 1st grade, and Assistant Examiner (honorary rank), with effect from the 25th November, 1901.

No. 488.—Mr. J. J. Hatten, Executive Engineer, 1st grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the afternoon of the 20th November, 1901, during the absence of Mr. L. M. Jacob, on leave, or until further orders.

C. W. ODLING,

Offg. Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 7, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, etc.

GAZETTE OF INDIA.

NOTICE.

The 30th September, 1901.

From the 9th November next till further notice, the complete *Gazette of India* will be published at Calcutta. After the 2nd November all Notifications and other matter intended for publication in the Gazette should be addressed to the Publisher, 8, Hastings Street, Calcutta.

Attention is invited to the following Circular Memo. of the Government of India, Home Department, of August, 1901:—

"It has been brought to the notice of this Department that matter for the *Gazette of India* is sometimes sent to the Press late on Friday evenings for publication in the next day's Gazette, and that this involves considerable inconvenience to the Press and expense to Government. In the Circular Memorandum of this Department, No. 777-79, dated 9th February, 1870, the Government of India directed that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Press not later than 2 P.M. on Friday, and that any papers sent thereafter must be certified to be extremely urgent in order to ensure their appearance in the next day's Gazette. The undersigned is directed to request that these orders may be more strictly observed in future and that Departments will refrain from sending to the Press as extremely urgent any papers which can without harm or inconvenience be held over for the next Gazette."

J. P. HEWETT,

Secretary to the Government of India.

Rates of subscription.

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Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the date on which it is due.

W. ROSS,

Publisher, *Gazette of India*.

GOVERNMENT OF INDIA
DEPARTMENT OF REVENUE AND AGRICULTURE.

INVENTIONS and DESIGNS.

Calcutta, the 5th December 1901.

NOTIFICATIONS.

No. 3779 P.—APPLICATIONS in respect of the under-mentioned inventions have been filed, under the provisions of the Inventions and Designs Act of 1888, in the office of the Secretary appointed under that Act during the week ending 30th November 1901:—

- No. 455 of 1901.—Sorabji Muncherji Rutnagur, journalist, of 27, Meadows street, Bombay. *An improved apparatus for preventing waste of water.*
- No. 456 of 1901.—The Westinghouse Brake Company, Limited, manufacturers, of York road, King's Cross, in the county of London, England. *Improvements relating to air brake apparatus for railway and like vehicles.*
- No. 457 of 1901.—William August Edwin Henrici, engineer, of 37, Fruchtstrasse, Berlin, Germany. *An improved rotary engine.*
- No. 458 of 1901.—James Tait Williams, electrician, of Gover street, North Adelaide, in the state of south Australia and commonwealth of Australia. *Improvements in mechanism for sounding bells or other sonorous bodies.*
- No. 459 of 1901.—Arthur Hoare, civil engineer, of 8, Elphinstone circle, Bombay. *Improvements in methods of pulling mechanical punkahs.*

No. 3780 P.—SPECIFICATIONS of the under-mentioned inventions have been filed, under the provisions of the Inventions and Designs Act of 1888, in the office of the Secretary appointed under that Act, and copies have been sent to the Governor of Madras, Bombay, and Burma, and the Director of the Department of Lands, Records and Agriculture, North Western Provinces and Oudh. These and other specifications are open to public inspection, from 11 A.M. to 4 P.M., at the Secretariat office (Imperial Secretariat, Government Place, West, Calcutta), on payment of a fee of one rupee, and a certified copy of any one of them will be supplied on payment of fixed expenses of copying:—

- No. 421 of 1900.—Martin William Maylard, sanitary surveyor, of 99, Cannon street, E. C., England. *Improvements in or relating to indicating device time checks.* (Specification filed 24 June 1901.)
- No. 90 of 1901.—The Clyde Chemical Company, Limited, of 133, Pitt street, Sydney, in the state of New South Wales, commonwealth of Australia. *Improvements in the means employed for the extraction of oxide of chromium from its ores, and its subsequent treatment to obtain soluble salts.* (Specification filed 1901.)
- No. 140 of 1901.—Dr. Luigi Cerebotani, professor, of Munich, in the kingdom of Bavaria, German empire. *An auto-tele-meteorograph.* (Specification filed 23 November 1901.)
- No. 152 of 1901.—Frank Shuman, mechanical engineer, of 3400, Disston street, Tacoma, in the city and county of Philadelphia and state of Pennsylvania, U. S. A. *Mercerizing machines.* (Specification filed 23 November 1901.)
- No. 153 of 1901.—Paul Eugène Domergue, engineer, residing at Haiphong, Tonkin, French Indo-China. *An improved dynamo especially applicable for driving fans.* (Specification filed 23 November 1901.)
- No. 155 of 1901.—The Linotype Company, Limited, manufacturers of No. 188, Fleet street, in the city of London, England. *Improvements in and connected with the adjustable moulds of linotype machines.* (Specification filed 23 November 1901.)
- No. 156 of 1901.—The Linotype Company, Limited, manufacturers, of No. 188, Fleet street, in the city of London, England. *Improvements in the casting mechanisms of linotype machines.* (Specification filed 25 November 1901.)

- No. 157 of 1901.—The Linotype Company, Limited, manufacturers, of No. 188, Fleet street, in the city of London, England. *Improvements in moulds for fudge or* (Specification filed 25 November 1901.)
- No. 158 of 1901.—The Linotype Company, Limited, manufacturers, of No. 188, Fleet street, in the city of London, England. *Improvements in linotype machines.* (Specification filed 25 November 1901.)
- No. 159 of 1901.—The Linotype Company, Limited, manufacturers, of No. 188, Fleet street, in the city of London, England. *Improvements in linotype machines.* (Specification filed 25 November 1901.)
- No. 160 of 1901.—The Linotype Company, Limited, manufacturers, of No. 188, Fleet street, in the city of London, England. *Improvements in linotype matrices, and in apparatus for making them.* (Specification filed 25 November 1901.)
- No. 161 of 1901.—The Linotype Company, Limited, manufacturers, of No. 188, Fleet street, in the city of London, England. *Improvements in the ejector blades of linotype machines.* (Specification filed 25 November 1901.)
- No. 162 of 1901.—Andrew Gilmour McMeekin, tea planter, of the Allynugger tea estate, Shamshernugger, south Sylhet, British India. *Improvements in tea firing machines.* (Specification filed 22 November 1901.)
- No. 163 of 1901.—Thomas Aubrey Hunt, engineer and tea planter, residing at the Lackatoorah tea estate, Sylhet, in British India. *A marker for keeping the score at the game of "Bridge," to be called the "Simplex bridge marker."* (Specification filed 22 November 1901.)
- No. 170 of 1901.—Henry Ferré, pharmacist, of 18, rue Mogador, Paris, France. *An improved appliance for generating gases suitable for surgical and other purposes.* (Specification filed 23 November 1901.)
- No. 182 of 1901.—James Begg, tea planter, of Hoolungorie tea estate, Assam, in British India. *A new or improved machine for artificially withering tea leaf.* (Specification filed 22 November 1901.)
- No. 320 of 1901.—John Thomas Mitchener, warehouseman, of 33T, Juniper street, Shadwell, London, England, and William Stanning Ross, tinplate-worker, of 10, Church court, Wapping, London, England. *Improvements in chests for tea and other substances.* (Specification filed 22 November 1901.)
- No. 335 of 1901.—The Talbot Continuous Steel Process, Limited, of Westminster chambers, east Parade, Leeds, England. *Improvements in the art of manufacturing iron and steel.* (Specification filed 22 November 1901.)
- No. 365 of 1901.—Manuel Antonio Gomes Himalaya, engineer, of 13, rue de Buzenval, Boulogne-sur-Seine, department of Seine, in the republic of France. *An improved apparatus for making industrial use of the heat of the sun and obtaining high temperatures.* (Specification filed 25 November 1901.)
- No. 366 of 1901.—Charles Grey Hill, gentleman, of Arnot hill, Daybrook, county of Nottingham, England. *Improvements in or relating to circular looms.* (Specification filed 22 November 1901.)

No. 3781 P.—THE fees prescribed in the fourth schedule to the Inventions and Designs Act of 1888 have been paid for the continuance of exclusive privilege in respect the under-mentioned inventions for the periods shown against each:—

- No. 311 of 1893.—Wilbur Stephen Scudder. *Improvements in machines for casting lines of type for use in printing.* (From 23 November 1901 to 23 November 1902.)
- No. 114 of 1894.—Odilon Baltzar Hannibal Hanneborg. *Improvements in ditching and tile-laying machines.* (From 1 December 1901 to 1 December 1902.)
- No. 181 of 1894.—Jean Reuse. *A new or improved machine for the manufacture of cigars.* (From 10 January 1902 to 10 January 1903.)
- No. 178 of 1896.—Arthur Weinberg. *The production of polyazo dyestuffs from gamma-amidonaphtol-sulpho acid.* (From 19 January 1902 to 19 January 1903.)
- No. 253 of 1896.—Aloys Naville, Philippe Guye and Charles Eugène Guye. *An electrical gas-reaction-apparatus.* (From 19 February 1902 to 19 February 1903.)
- No. 230 of 1897.—Edmund James Mills. *Improvements in the formation and preparation of soluble colloids such as gelatine and isinglass.* (From 20 December 1901 to 20 December 1902.)

No. 298 of 1897.—Frederick George Morris Brittin and Benjamin Walter Glass. *An improved method of and apparatus for, freezing meat.* (From 7 February 1902 to 7 February 1903.)

No. 3782 P.—WHEREAS the inventors of the under-mentioned inventions have respectively failed to pay, within the time limited in that behalf by the fourth schedule to the Inventions and Designs Act of 1888, the fees hereinafter respectively mentioned, it is hereby notified that under the provisions of section 8, sub-section (a), of the said Act the exclusive privilege of making, selling, and using the said inventions in British India, and of authorising others so to do, has ceased :—

No. 289 of 1896.—Samuel Lucas and Thomas Harrison Lucas. *An improved method of lubricating and retaining the oil in upright spindles.* (Specification filed 13 August 1897.)

No. 21 of 1897.—Robert Henry Livesey. *Means for facilitating the transfer of goods between railways of different gauges.* (Specification filed 13 August 1897.)

No. 27 of 1897.—Thomas Rowley. *Improvements relating to pneumatic tyres.* (Specification filed 16 August 1897.)

No. 29 of 1897.—The Anglo-French Motor Carriage Company, Limited. *Improvements in rotary motors and the like.* (Specification filed 16 August 1897.)

No. 44 of 1897.—John Townsend Trench. *Improvements in pneumatic tyres.* (Specification filed 11 August 1897.)

No. 57 of 1897.—Edward Lloyd Pease. *Improvements in structural arrangements for combining strength with rigidity in a manner applicable to flooring, walling and the like structural purposes.* (Specification filed 1 August 1897.)

No. 157 of 1897.—Frank Edmund Winsland. *Improvements in tea dryers.* (Specification filed 11 August 1897.)

No. 176 of 1897.—Major S. A. E. Hickson. *A rifled and prismoidal chambered barrel for use in a gun or howitzer.* (Specification filed 13 August 1897.)

No. 177 of 1897.—Robert Jack. *Improvements in paper bags.* (Specification filed 1 August 1897.)

Fee in respect of the continuance of an exclusive privilege—

4 (a) After the filing of the specification and before the expiration of the fourth year from the date of the filing thereof—

The sum of Rs 50 for each of the above inventions.

No. 370 of 1895.—Konwer Khurug Singh. *An improved method of sinking pukka (masonry) wells.* (Specification filed 13 August 1896.)

No. 34 of 1896.—Fleuss Pneumatic Tyre Syndicate, Limited. *Improvements in pneumatic tyres.* (Specification filed 13 August 1896.)

Fee in respect of the continuance of an exclusive privilege—

4 (b) After the expiration of the fourth year and before the expiration of the fifth year from the date of the filing of the specification—

The sum of Rs 50 for each of the above inventions.

No. 343 of 1893.—Edward Robinson. *An apparatus for drying tea, grain and other substances.* (Specification filed 15 August 1894.)

Fee in respect of the continuance of an exclusive privilege—

4 (d) After the expiration of the sixth year and before the expiration of the seventh year from the date of the filing of the specification—

The sum of Rs 50 for the above invention.

NOTICES.

All communications relating to Act V (the Inventions and Designs Act) of 1888 should be addressed to the "Secretary to the Government of India, Department of Revenue and Agriculture (PATENTS BRANCH), CALCUTTA."

The Office of the Secretary under the Act is open for the transaction of business from 11 A.M. to 4 P.M. on all days, except Sundays and gazetted holidays.

The Government of India are advised that, as trade marks are not "designs" within the meaning of the Act, they cannot be registered under Part II.

The fees payable under the fourth and sixth schedules are now collected in cash, and applicants are warned that they must be responsible for any delay in cashing cheques.

Copies of the weekly notifications, and of the quarterly lists, of applications and specifications filed in the Secretary's office are now on sale to the public at one anna and eight annas a copy respectively.

Attention is requested to the rules made by the Government on the 10th October, 1895, in regard to the preparation of applications, specifications, and drawings.

All applications made under the Inventions and Designs Act, V of 1888, will from this date (December 19th, 1896) lie in the visitor's room of the Patents Office for ten days from the date of the *Gazette of India* in which their filing may have been notified; or, if the tenth day is a holiday, till the evening of the office day next following.

At the time of delivering or sending an application for leave to file a specification, the applicant shall cause a duplicate copy of the application to be delivered or sent therewith to the Secretary.

S. C. HILL,
Secretary under the Inventions and
Designs Act, 1888.

DEPARTMENT OF ISSUE OF PAPER CURRENCY.

Calcutta, the 4th December, 1901.

Abstract of the Accounts of the Department of Issue of Paper Currency on the
30th November, 1901.

	TOTAL AMOUNT OF NOTES IN CIRCULATION.			RESERVE IN COIN AND BULLION.				
	In Reserve Treasuries.	Elsewhere.	TOTAL.	Silver Coin.	Gold Coin and Bullion.	Gold held in England under Act VIII of 1900.	Silver held as Security for Notes under Act VIII of 1900.	TOTAL.
	R	R	R	R	R	R	R	R
Calcutta	1,85,97,900	11,08,56,105	12,94,54,005	3,40,26,234	1,79,75,072*	...	...	5,20,01,306
Allahabad	...	1,37,94,215	1,37,94,215	1,43,60,274	17,11,935	...	...	1,60,72,209
Lahore	...	2,06,66,790	2,06,66,790	87,05,860	21,83,505	...	...	1,08,89,365
Bombay	92,14,980	8,06,19,110	8,98,34,090	2,93,03,165	3,40,55,584	...	...	6,33,58,749
Karachi	...	78,15,705	78,15,705	21,06,075	16,26,120	...	...	37,32,195
Madras	43,50,965	2,77,44,500	3,20,95,465	2,16,87,730	44,49,435	...	...	2,61,37,165
Calicut	...	20,77,970	20,77,970	10,34,140	30,330	...	...	10,70,470
Rangoon	...	1,02,85,555	1,02,85,555	2,92,20,320	35,42,070	...	...	3,27,62,390
	3,21,63,845	27,38,59,950	30,60,23,795					
Deduct— Withdrawn from circulation by Foreign Circles and in course of remittance to Circles of Issue			Nil.					
TOTAL R			30,60,23,795	14,04,43,798	6,55,80,051	...	...	20,60,23,849
Deduct— Amount due on Bills drawn by one Circle on another								Nil.
NET TOTAL R								20,60,23,849
Price paid for Government Securities of the nominal value of Rs 10,20,81,500, held under section 19 of the Indian Paper Currency Act, XX of 1882								9,99,99,946
GRAND TOTAL R								30,60,23,795

* Rs 1,50,00,000 (£1,000,000) was transferred in gold from the Paper Currency Reserve to the Gold Reserve Fund on November 25th.

A. F. COX,
Head Commissioner of Paper Currency.

BANK OF BENGAL—PUBLIC DEBT OFFICE.

Statement of Government Promissory Notes enforced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th November, 1901.

PARTICULARS.	3½ PER CENT. LOANS					4 PER CENT. LOANS					4½ PER CENT. LOANS			GRAND TOTAL.				
	3 PER CENT. OF 1896-97.	Of 1842-43.	Of 1854-55.	Of 1879.	Of 1893-94.	Of 1900-01.	TOTAL.	Of 1831-32.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.		Total.	Of 1870.	TRANSFER LOAN OF 1870, 4½ PER CENT. PORTION.	
Balance of 15th November, 1901	1,55,94,000	2,27,37,300	81,97,20,100	3,05,97,300	1,31,45,800	1,100	9,77,900	18,71,69,400	6,934	5,000	300	15,500	40,800	5,700	74,334	5,000	29,500	1,98,000
Arrears transferred to in London	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enforced at Madras up to 23rd November, 1901	...	23,400	84,900	14,700	1,200	...	...	74,200	...	...	...	...	...	...	...	...	...	...
Amount enforced at Bombay up to 23rd November, 1901	...	500	...	17,000	1,800	...	...	18,500	...	...	...	...	...	...	...	...	...	...
Amount enforced at Calcutta between 10th and 30th November, 1901	2,01,000	12,000	1,05,500	22,000	...	...	15,000	1,54,500	...	...	...	...	...	...	...	...	...	...
Amount written off in the London Registers	1,57,05,900	2,27,63,100	11,98,60,500	3,05,51,000	1,31,48,000	1,100	9,94,900	18,74,16,500	6,934	5,000	300	15,500	40,800	5,700	71,334	5,000	29,500	1,98,000
Balance of 30th November, 1901	1,57,95,900	2,27,63,100	11,91,71,500	3,05,96,000	1,31,48,000	1,100	9,94,900	18,66,09,600	6,934	5,000	300	15,500	40,800	5,700	74,334	5,000	29,500	1,98,000

Note.—From 1st Dec. 1897, to 30th Sep., 1901, enforced from India 11,018 lakhs, re-transferred from London 10,324 lakhs.
 " 1st Oct., 1901, " 13th Oct. " ditto 32 "
 " 14th " " 31st " ditto 8 "
 " 1st Nov., " 15th Nov., " ditto 5 "
 " 1st " " 30th " ditto 7 "
 11,035 lakhs.
 10,366 " 10,365 lakhs.

PUBLIC DEBT OFFICE,
 BANK OF BENGAL;
 Calcutta, the 3rd December, 1901.

W. D. CRICKSHANK
 Secretary and Treasurer.

Balance against India 669 lakhs.

BANK OF BENGAL.**NOTICE.**

Mr. W. B. Cruickshank has returned from leave and resumed the office of Secretary and Treasurer. Mr. A. M. Lindsay reverts to his appointment of Deputy Secretary and Treasurer, and Mr. H. S. Lemon to that of Agent at Rangoon.

By order of the Directors,

A. M. LINDSAY,
Offg. Secretary and Treasurer.

BANK OF BENGAL;
Calcutta, 2nd December, 1901.

PUBLIC WORKS DEPARTMENT.**NOTIFICATION.**

Simla, the 20th September, 1893.

A Registry Office for men of all grades out of employ is kept up by the Principal, Thomason College, Roorkee. Officers requiring men are requested to apply to Principal.

J. CLIBBORN, Major, I.S.C.,
Principal, Thomason College.

**THE HONOURABLE THE AGENT TO
THE GOVERNOR GENERAL AND
CHIEF COMMISSIONER, NORTH-
WEST FRONTIER PROVINCE.**

NOTIFICATIONS.**POWERS.**

Peshawar, the 25th November, 1901.

No. 17.—Under the provisions of section 50 of the North-West Frontier Province Law and Justice Regulation, No. VII of 1901, Lala Amir Chand Arora, District Judge of the Bannu District, is appointed to be District Judge also of the Civil District of Dera Ismail Khan, with effect from the 9th November, 1901.

No. 18.—Under the powers conferred by section 13 (1) of the Code of Criminal Procedure, 1898, Mr. H. A. Sams, I.C.S., Assistant Commissioner and a Magistrate of the 1st Class, is placed in charge of the Nowshera Sub-Division of the Peshawar District.

No. 19.—In exercise of the powers vested in him under section 40 of Act II of 1886, the Honourable the Agent to the Governor General and Chief Commissioner is pleased to invest Mr. H. A. Sams, I.C.S., Assistant Commissioner in charge of the Nowshera Sub-Division of the Peshawar District, with all the powers of a

Collector under the said Act, except those specified in sections 9 (2), 12, 18 (1) (b), 31 and 36.

This notification will remain in force until the abovenamed officer ceases to be a 1st Class Magistrate or to hold charge of the sub-division, or until it is expressly cancelled.

No. 22.—In exercise of the powers vested in him under section 40 of Act II of 1886, the Honourable the Agent to the Governor General and Chief Commissioner, North-West Frontier Province, is pleased to invest Mr. F. B. R. Spencer, Extra Judicial Assistant Commissioner, in charge of the Tank Sub-Division of the Dera Ismail Khan District, with all the powers of a Collector under the said Act, except those specified in sections 9 (2), 12, 18 (1) (b), 31 and 36.

This notification will remain in force until the abovenamed officer ceases to be a 1st Class Magistrate or to hold charge of the sub-division or until it is expressly cancelled.

No. 23.—Under the powers conferred by section 13 (1) of the Code of Criminal Procedure, 1898, Mr. F. B. R. Spencer, Extra Judicial Assistant Commissioner, Magistrate of the 1st Class, is placed in charge of the Tank Sub-Division of the Dera Ismail Khan District, with effect from the afternoon of the 9th November, 1901.

The 29th November, 1901.

No. 24-G.—Under the provisions of section 54, North-West Frontier Province Regulation, No. VII of 1901, Mr. S. E. Pears, Assistant Commissioner, Dera Ismail Khan District, is appointed a Subordinate Judge and is invested with the powers of a Subordinate Judge with respect to cases generally within the limits of the Dera Ismail Khan and Kulachi Tahsils of the Dera Ismail Khan District, which Tahsils the Hon'ble the Chief Commissioner in exercise of the powers conferred by section 57 (1) of the said Regulation is pleased to define as the local limits of the Subordinate Judgeship of Dera Ismail Khan.

2. The Chief Commissioner is pleased to direct that Mr. S. E. Pears shall be deemed for the purposes of the said Regulation to be a Subordinate Judge, with effect from the afternoon of the 16th November 1901.

No. 25-G.—Under the provisions of section 54, North-West Frontier Province Regulation, No. VII, 1901, Mr. F. B. R. Spencer, Extra Judicial Assistant Commissioner in charge of the Tank Sub-Division of the Dera Ismail Khan District, is appointed a Subordinate Judge, and is invested with the powers of a Subordinate Judge with respect to cases generally, within the limits of the Tank Sub-Division of the Dera Ismail Khan District which sub-division the Hon'ble the Chief Commissioner in exercise of the powers conferred by section 57 (1) of the said Regulation is pleased to define as the local limits of the Subordinate Judgeship of the Tank Sub-Division.

2. The Chief Commissioner is pleased to direct that Mr. F. B. R. Spencer shall be deemed for the purposes of the said Regulation to be a Subordinate Judge.

APPOINTMENTS.

The 25th November, 1901.

No. 20.—Captain C. H. Watson, I.M.S., made over charge of the duties of Superintendent of the Dera Ismail Khan Jail to Lieutenant A. B. Fry, I.M.S., on the forenoon of the 25th November, 1901.

No. 21.—Mr. S. E. Pears, Assistant Commissioner, assumed charge of his duties at Dera Ismail Khan, on the afternoon of the 16th November, 1901.

By Order,

A. H. GRANT,

Secretary to the Agent to the Govr.-General and Chief Commissioner, N.W. Frontier Province.

TREASURE TROVE.

NOTICE

It is hereby notified under section 5 of the Indian Treasure Trove Act, VI of 1878, that on the 13th May, 1899, treasure consisting of the undermentioned articles and valued at Rs 72 was found by some boys in the bed of the Vellar river near Thiruvadathoral village, Vriddhachallam taluk, South Arcot District, in the Madras Presidency.

Description of Treasure.	Value.
	R s. p.
(1) 3 pieces of gold string	9 0 0
(2) 2 gold mugappu	3 0 0
(3) 6 gold wires	11 0 0
(4) 2 gold punavahan	14 0 0
(5) 2 gold rings	20 0 0
(6) 2 big gold wires	9 0 0
(7) 1 gold plate	6 0 0
TOTAL	72 0 0

2. All persons claiming the said treasure or part thereof are hereby required to appear personally or by agent before the Collector of South Arcot at his office at Cuddalore on Thursday, the 1st day of May, 1902, in view to the matter being enquired into or determined according to law.

E. A. ELWIN,
Collector.

SOUTH ARCOT COLLECTOR'S
OFFICE;
Cuddalore, 22nd November 1901.

REPORTS OF DESERTIONS.

Report of a Deserter or Absentee without leave from the 1st Battalion Royal Fusiliers of Infantry, dated at Meiktila, this 29th day of November, 1901.

Number, Rank, and Name, —4939, Private William Wood.
Age,—26 years 1 month.
Height,—5 feet 4 inches.
Colour of—Complexion, fresh; hair, brown; eyes, hazel.
Trade,—Labourer.
Date of Enlistment,—10th March, 1894.
Place of Enlistment,—Hounslow
Parish and County in which born,—Bethnal Green near London.
Date of desertion or absence,—8th November, 1901.
Place of desertion or absence,—Meiktila.
Marks,—Four scars on middle of back.
Under 8 years service

C. C. CARR, Major,

Report of a Deserter or Absentee without leave from the 1st Battalion, Royal Fusiliers Regiment of Infantry, dated at Meiktila, this 25th day of November, 1901.

Number, Rank, and Name,—4014, Private Charles Thomas Cole.
Age,—29 years 19 days.
Height,—5 feet 4½ inches.
Colour of—Complexion, fresh; hair, brown; eyes, blue.
Trade,—Carrier.
Date of Enlistment,—7th December, 1891.
Place of Enlistment,—London.
Parish and County in which born,—Limehouse, near London.
Date of desertion or absence,—5th November, 1901.
Place of desertion or absence,—Meiktila.
Marks,—Brown patch, right buttock; flag J. C. dots, left forearm; a peacock with two snakes tattooed on right forearm.

C. C. CARR, Major,

Commanding "Wing", 1st Battalion, Royal Fusiliers.

Report of a Deserter or Absentee without leave from the 1st Battalion, Royal Fusiliers Regiment of Infantry, dated at Meiktila, this 26th day of November, 1901.

Number, Rank, and Name,—6028, Private William Rose.
Age,—40 years 11 months 4 days.
Height,—5 feet 4 inches.
Colour of—Complexion, florid; hair, brown; eyes, blue.
Trade,—Shoemaker
Date of Enlistment,—18th November, 1885.
Place of Enlistment,—Hounslow.
Parish and County in which born,—Reading (Berks).
Date of desertion or absence,—5th November, 1901.
Place of desertion or absence,—Meiktila.
Marks,—Tomestone on chest tattooed nearly all over, new tattooing over old, forefinger of left hand cut off close to top joint.
Under 12 years' service

C. C. CARR, Major,

Commanding "Wing" 1st Battalion, Royal Fusiliers.

Report of a Deserter or Absentee without leave from the 1st Battalion, Royal Fusiliers Regiment of Infantry, dated at Meiktila, this 29th day of November, 1901.

Number, Rank, and Name,—4192, Private Francis Henry Clarke.
Age,—29 years 3 months.
Height,—5 feet 5½ inches.
Colour of—Complexion, fair; hair, brown; eyes, blue.
Trade,—Labourer.
Date of Enlistment,—2nd April, 1892.
Place of Enlistment,—London.
Parish and County in which born,—Bethnal Green near London.
Date of desertion or absence,—8th November, 1901.
Place of desertion or absence,—Meiktila.
Marks,—Scar on abdomen, sunken cheeks large sandy moustache.
Under 10 years.

C. C. CARR, Major,
Commanding 1st Royal Fusiliers.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 4th December, 1901.

No. 33.—Mr. A. W. Foord, Superintendent Class V, 1st grade, is granted privilege leave for twenty-three days under Civil Service Regulations, article 291, in combination with furlough for twelve months under articles 264 A and 340 (b) with effect from the forenoon of the 28th November, 1901.

FRED. MACLEAN,
Director General of Telegraphs.

The 6th December, 1901.

No. 35.—Offices reported opened and closed during the month of November, 1901:—

Name of Office.	Where situated.	Date.	REMARKS.
<i>Government Telegraph Offices.</i>			
Chamba*	Punjab	7th Nov. 1901.	Opened.
Chamba*	Ditto	19th "	Closed.
Dabra (Field office).	Ditto	21st "	Ditto.
Jhiringhat†	Assam	6th "	Opened.
Jhiringhat†	Ditto	10th "	Closed.
Kalanagat†	Ditto	7th "	Opened.
Kalanagat†	Ditto	11th "	Closed.
Kaopunt†	Ditto	11th "	Opened.
Kaopunt†	Ditto	13th "	Closed.
Laimatakt†	Ditto	12th "	Opened.
Laimatakt†	Ditto	14th "	Closed.
Lokchao Hill†	Ditto	10th "	Opened.
Lokchao Hill†	Ditto	21st "	Closed.
Moninabad	Bombay	13th "	Opened.
Nangbat†	Assam	10th "	Ditto.
Nangbat†	Ditto	12th "	Closed.
Nidamangalam	Madras	27th "	Opened.
Pale†	Assam	14th "	Ditto.
Pale†	Ditto	20th "	Closed.
Phoiching†	Ditto	13th "	Opened.
Phoiching†	Ditto	15th "	Closed.
Yinbon†	Upper Burma	22nd "	Opened.
Yinbon†	Ditto	23rd "	Closed.
Tajapur (Banda)	North West Provinces and Oudh.	8th "	Opened.
Spin (Field office).	Punjab	18th "	Closed.

NOTE.—The following alteration in the name of a Government Telegraph Office is notified:—

"Bhagalpur City" instead of "Sujaganj (Bhagalpur.)"

Railway Telegraph Offices.

<i>1901.</i>			
Badagara	Madras Railway	27th Sep.	Opened.
Chaisa	Bengal Duars Railway.	29th "	Ditto.
Clattur	Madras Railway	27th "	Ditto.
Koktek Bridge	Burma Railway	23rd Nov.	Ditto.
Solbathan	Eastern Bengal Railway.	25th "	Closed.
Lakwa	Assam Bengal Railway.	18th "	Opened.
Manabari	Bengal Duars Railway.	29th Sep.	Ditto.
Mandasa Road	Bengal Nagpur Railway.	17th May	Closed.
Marion	Ruhilkhand Kumaon Railway.	1st July	Opened.
Onilandi	Madras Railway	27th Sep.	Ditto.
Satru	Ditto	16th Oct.	Ditto.
Takkoti	Ditto	27th Sep.	Ditto.
West Hill	Ditto	27th "	Ditto.

* Opened in connection with the Tour of His Honour the Lieutenant-Governor of Punjab.

† Opened in connection with the Tour of His Excellency the Viceroy.

M. J. BRIND,
Director, Traffic Branch.

POST OFFICE.

NOTIFICATION.

Calcutta, the 3rd December, 1901.

No. 1765-*Ap.*—Mr. C. G. D'Santos, Deputy Postmaster, Madras, is granted privilege leave for one month, with effect from the 15th November, 1901.

The following officiating appointments are made during his absence on privilege leave or until further orders:—

Mr. V. Narayanaswamy Mudeliar, Assistant Postmaster, Madras, to act as Deputy Postmaster, Madras.

Mr. C. B. Maiden, to act as Assistant Postmaster, Madras.

No. 1769-*Ap.*—Mr. H. Tulloch, Superintendent of Post Offices, 1st grade, is granted privilege leave for 1 month and 11 days, with effect from the 12th December, 1901, or from the date on which he may avail himself of it.

Babu Karuna Sindhu Sen is appointed to act as Superintendent of Post Offices, 4th grade, during the absence on privilege leave of Mr. H. Tulloch, or until further orders.

A. U. FANSHAWE,

Director-General of the Post Office of India.

PURE SULPHATE OF QUININE.

Manufactured at the Bengal Government Cinchona Plantation.

From 1st April, 1900, the price of this Quinine will be as follows:—

1-pound tin, R17, or, post-free, R17-12.

$\frac{1}{2}$ " R8-8, " R9.

$\frac{1}{4}$ " R4-4, " R4-12.

Analysis shows this Quinine to be of the purest manufacture; and it is guaranteed to be free from wilful mixture with the inferior alkaloids, Cinchonine and Cinchonidine. It is for sale only to Government officers, and only for cash, and may be had from the Superintendent, Botanic Garden, Seebpore, near Calcutta.

বঙ্গদেশের গবর্ণমেন্টের সিনকোনা আবাদে প্রস্তুত
বিশুদ্ধ কুইনাইন।

১৯০০ সালের ১লা এপ্রিল হইতে এই কুইনাইনের নিম্নলিখিত দর
হইবে, যথা—

১ এক পোত টন ১৭ বা ডাকমানস বিনা ১৭৮০

১ আধ " " ৮ " ৮০

১ শিক " " ৪ " ৪০

পরীক্ষা করিয়া দেখা গিয়াছে যে এই কুইনাইন অত্যন্ত বিশুদ্ধ রূপে
প্রস্তুত করা হইয়াছে, এবং ইহা যে সিনকোনাইন ও সিনকোনি-
ডাইন নামক অপকৃষ্ট কার্যকর সচিহ্ন হইয়া থাকুক যিশান হয় না-
তাহার পরীক্ষা দ্বারা বাইতেনে। ইহা নগর মূল্যে কেবল গবর্ণ-
মেন্টের কর্মচারীগণের নিকট বিক্রয় করা যাইবে, এবং কলিকাতার
নিকট শিবপুরের কোম্পানির বাগানের অপরিসংখ্যক নিকট
পাইতে পারে।

GOVERNMENT CINCHONA FEBRIFUGE.

Cinchona Febrifuge can be purchased by all Government officers, and by any one taking *six pounds* at a time, from the Superintendent, Botanic Garden, Calcutta, at the following rates — per four-ounce tin, *Rs 8*; per eight-ounce tin, *Rs 5*; per pound tin, *Rs 10*. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the under-noted rates: per four-ounce tin, *Rs 3*; per eight-ounce tin, *Rs 6*; per pound tin, *Rs 12*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

سنکونا مبري فيوج يعنى تپ بهگانے
والی سنکونا *

سنکونا مبري فيوج کلکتہ کے ہوائی گارڈن سے
کمپانی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم
سرکاری اور ایک مشین چھ پونڈ تک لینے والا ہر
اہم حساب نمبر دیل خرید کر سکتا ہے: — یعنی
چار اونس والا تین بقیمت دو روپیہ آٹھ؛ آٹھ
اونس والا تین بقیمت پانچ روپیہ؛ ایک پونڈ والا
تین بقیمت دس روپیہ *

عام آدمیوں کو یہ دوا ہوائی گارڈن یعنی کمپانی
باغ کے سپرنٹنڈنٹ صاحب سے بقیمت نقد حسب نمبر
دیل مل سکتی ہے۔ یعنی چار اونس والا تین بقیمت
تین روپیہ؛ آٹھ اونس والا تین بقیمت چھ روپیہ؛
ایک پونڈ والا تین بقیمت بارہ روپیہ *

یہ دوا کلکتہ کے ہرے ہرے ولایتی اور دیسی
دواخانوں میں بھی بکتی ہے — ماسوائے قیمت
مذکورہ بالا کے محمول ڈاک چار اونس والا تین کا
چار آٹھ؛ آٹھ اونس والا تین کا آٹھ آٹھ؛ اور ایک
پونڈ والا تین کا بارہ آٹھ *

ODDH AND ROHILKHAND RAILWAY

NOTIFICATION.

Lucknow, the 2nd December, 1901.

No. 9.—Mr. P. J. Dudgeon, District Locomotive Superintendent, is granted privilege leave for two months and 13 days with effect from 26th February, 1902, and furlough in continuation of it up to and inclusive of 20th December, 1903, under articles 264A and 340 of the Civil Service Regulations.

J. MANSON,
Offg. Manager, O. and R. Ry.

DIRECTOR OF RAILWAY CON- STRUCTION.

NOTIFICATION.

Calcutta, the 3rd December, 1901.

No. 40.—Lieutenant. A. T. Chamier, R.E., Executive Engineer, 3rd grade, Temporary rank, is granted privilege leave for three months combined with furlough for one year and eight months under articles 264A, 291 and 340 of the Civil Service Regulations, with effect from the 15th November, 1901, or such subsequent date as he may be permitted to avail himself of it.

C. W. HODSON,
Director of Railway Construction.

GOVERNMENT PUBLICATIONS FOR SALE

BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,
8, HASTINGS STREET, CALCUTTA.

[A General Catalogue of all Government Publications may be obtained gratis
from the Government Central Press, Calcutta.]

WEEKLY LIST OF NEW BOOKS.

The amounts within parentheses are for packing and postage.

STATISTICAL DEPARTMENT.

External Land Trade of British India. Accounts of the — for August, 1901.
Royal 8vo. Stitched. 8s. or 9s. (2s.)

LIST OF BOOKS PUBLISHED FROM 1st APRIL TO 30th SEPTEMBER 1901.

LEGISLATIVE DEPARTMENT.

Chronological Tables of the Indian Statutes compiled, under the orders of the Government of India, by F. G. Wiggley Esq. Royal 8vo. Cloth. Rs. 4 or 6s. (7s.)

The Indian Penal Code (Act XLV of 1860), as modified up to the 1st July, 1899, and with footnotes brought down to 1st April, 1901. Rs. 2-8 or 3s. 9d. (6s.)

The Cattle-trespass Act, 1871 (Act I of 1871), as modified up to the 1st April, 1901. 5s. or 5d. (1s.)

The Indian Contract Act, 1872 (Act IX of 1872), as modified up to the 1st September, 1899 (with footnotes brought down to 30th June, 1901). Rs. 1-4 or 1s. 9d. (2s.)

The Indian Arms Act, 1878 (Act XI of 1873), as modified up to the 1st December, 1896 (with footnotes brought down to the 15th May, 1901). 5s. 6p. or 6d. (1s. 6p.)

The Indian Factories Act, 1881 (Act XV of 1881), as modified up to the 1st April, 1891 (with footnotes brought down to 1st July, 1901). 5s. 6p. or 6d. (1s. 6p.)

The Central Provinces Civil Courts Act, 1885 (Act XVI of 1885), as modified up to the 1st April, 1901. 4s. or 4d. (1s.)

The Indian Ports Act, 1889 (Act X of 1889), as modified up to the 1st April, 1901. 11s. or 1s. 3d. (2s.)

The Prisons Act, 1894 (Act IX of 1894), as amended by the Burma Laws Act, 1898 (XIII of 1898). 7s. 6p. or 9d. (1s.)

LIST OF TRANSLATIONS AND TRANSLITERATIONS OF ACTS PUBLISHED FROM 1st APRIL TO 30th SEPTEMBER, 1901.

The Indian Penal Code (Act XLV of 1860), as modified up to 1st July, 1899. In Hindi Rs. 1-5 or 2s. (5s.)

The Central Provinces Civil Courts Act, 1885 (Act XVI of 1885), as modified up to the 1st April, 1901. In Urdu. 1s. 6p. (1s.)

Ditto. In Hindi. 1s. 6p. (1s.)

The Indian Tramways Act, 1886 (Act XI of 1886), as modified up to 31st December, 1900. In Urdu. 3s. 3p. or 3d. (1s. 6p.)

Ditto. In Hindi. 3s. 3p. or 3d. (1-6p.)

The Code of Criminal Procedure, 1898 (Act V of 1898), as modified up to the 1st April, 1900. Hindi. Rs. 1-6 or 2s. (7s.)

Act II of 1901 (An Act to amend the law relating to the exemption from tolls of persons and property belonging to the Army. In Urdu. 6p. (1s.)

Ditto. In Hindi. 9p. (1s.)

Act III of 1901 (An Act further to amend the Indian Ports Act, 1889). In Urdu. 3p. (1s.)

Act V of 1901 (An Act further to amend the Indian Forest Act, 1878). In Urdu. 3p. (1s.)

Ditto. In Hindi. 3p. (1s.)

Act VI of 1901 (the Assam Labour and Emigration Act, 1901). In Urdu. 5s. or 5d. (1s.)

Ditto. In Hindi. 5s. or 5d. (1s.)

Act VII of 1901 (An Act to place Native Christians in the same position as Hindus Muhammadans and Buddhists in the matter of obtaining letters of administration and for other purposes). In Urdu. 3p. (1s.)

Ditto. In Hindi. 3p. (1s.)

Act VIII of 1901 (An Act to provide for the Regulation and Inspection of Mines). In Urdu. 1s. (1s.)

Ditto. In Hindi. 1s. (1s.)

HOME DEPARTMENT.

Scientific Memoirs by the Medical Officers of the Army in India—

Part XII, 1901. Contents:—(1) On the Characters and Relationships of *Afzelia*, (Smith)—Major D. Prain, I.M.S. (2) Inoculation of Malaria by *Anophele*.—Captain C. F. Fearnside, I.M.S. (3) Zoological Gleanings from the Royal Indian Marine Survey Ship Investigator—Major A. W. Alcock, I.M.S. (4) Some Observations on *Spirillum* Fever, as seen in the monkey—*Macacus Raddii*.—Captain George Lamb, I.M.S. (5) On the Anatomy of the roots of *Phoenix paludosa*. Roxb.—Lieutenant A. T. Gage, I.M.S. (6) On some Practical Methods of Sanitation in India with special reference to Cantonments—Major Ernest Roberts, I.M.S. Demy 4to. Board. Rs. 5-12 or 8s. 9d. (7s.)

The Fauna of British India including Ceylon and Burma. By R. I. Pocock, Esq. Royal 8vo. Full cloth. Rs. 7-8 or 11s. 3d. (5s.)

Judicial and Administrative Statistics for British India for 1899-1900, and the four preceding years. Contents:—(I) Administrative Divisions. (II) Judicial Divisions. (III) Civil Justice. (IV) Criminal Justice. (V) Jails. (VI) Police. (VII) Registration. (VIII) Education. (IX) The Press. (X) Vital Statistics. (XI) Hospitals and Dispensaries. (XII) Lunatics. (XIII) Vaccination. (XIV) Municipalities. (XV) Local Boards. (XVI) Factories. (XVII) Wild Animals and Snakes. Fcap Boards. Rs. 2 or 3s. (10s.)

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REVENUE DEPARTMENT.

Report of the Indian Famine Commission, 1901. F'cap. Cloth. 14a. or 1s. 3d. (6a.)

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Administration Report on the Persian Gulf Political Residency and Muskat Political Agency for 1900-1901. F'cap. Board. R1 or 1s. 6d. (4a.)

FINANCE AND COMMERCE DEPARTMENT.

List of Officers in the Finance and Commerce Department. Corrected to February, March, April, May, July 1901. 4a. or 5d. (1a.) each.

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Accounts of the External Land Trade of British India for the months of January to May, 1901. Royal 8vo. Stitched. 8a. or 9d. (2a.) each.

Accounts relating to the Trade carried by Rail and River in India in the quarter ending December, 1900, compared with the corresponding periods of the years 1898 and 1899. No. 3, 1900-1901. F'cap. Paper cover. R1 or 1s. 6d. (6a.)

Ditto. Ditto. No. 4, of 1900-1901. F'cap. Paper cover. 8a. or 9d. (2a.)

Prices and Wages in India, 18th issue, 1901. F'cap. Boards. R1-8 or 2s. 3d. (6a.)

Agricultural Statistics of British India, 16th issue, for 1895-96 to 1899-1900. F'cap. Board. R3-6 or 5s. 3d. (10a.)

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Civil Estimates, 1901-1902. F'cap. Board. Vols. I and II. R3 or 4s. 6d. (13a.) each volume.

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Appendix to Mountain Artillery Drill in Urdu, 1897 Edition. Leather. Super-Royal 16mo. R1-4 or 1s. 11a. (1a.)

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General Catalogue of Government Publications (corrected up to 30th June, 1901) available on application to the Officer in charge, Bengal Secretariat Book Depôt.

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6. Distribution Return of Officers and Subordinates employed on Local Works in Bengal. Corrected up to 31st December, 1900. Super-Royal 8vo. Paper cover. Price 2a. (1a.)
7. Annual Report on the Reformatory Schools at Alipore and Hazaribagh for the year 1900. F'cap. Paper cover. Price 4a. (1a.)
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31. Act X of 1873 (Oaths), as modified up to 1st July 1901, in Uriya. 1a. 6p. (6p.)



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 7, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Stolen.

The undermentioned Government Promissory Notes :—

No.	Loan.	Amount.	Originally standing in the name of
031678—3½%	1842-43	1,000	Govindrao N. Kelkar.
041306	"	100	"
041307	"	100	"
041308	"	100	Govind Narayan Kelkar.
041309	"	100	"
041310	"	100	"
041311	"	100	"
041312	"	500	Govindrao N. Kelkar.
041314	"	500	Govind Narayan Kelkar.
041315	"	500	"
041316	"	500	"
041317	"	500	"
041318	"	500	"
038002—3%	1890-97	1,000	"
*031871	"	1,000	The Bank of Bengal.
*031873	"	1,000	"
*B000469	"	1,000	Jewanjee Jamasjee Mistry & Co.

* The last three notes were endorsed to the proprietor Govindrao Narayan Kelkar by whom none of the above-mentioned Notes were ever endorsed to any other person.. Payment of the above Notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for payment of accrued interest on and for the issue of duplicates in favour of the proprietor after two years from the date of last advertisement.

Name of the Proprietor—

GOVIND NARAYAN KELKAR.

Residence—Athni (District Belgaum).

Stolen.

The undermentioned Government Promissory Notes :—

No.	Loan.	Amount.	Originally standing in the name of
041305—3½%	1842-43	1,000	Rukhamabai Kelkar.
041321	"	1,000	"
041322	"	1,000	Rukhamabai.
041313	"	500	Rukhmabai Kelkar.
041319	"	500	"
041257	"	500	"
057803—3½%	1865	100	"
057804	"	100	"
057805	"	100	"
057806	"	100	"
057807	"	100	"
057808	"	100	"
057809	"	100	"
057870	"	100	"
057871	"	100	"
057872	"	100	"
057874	"	1,000	"
057875	"	1,000	"
057876	"	1,000	"
057877	"	1,000	"
057878	"	500	"
*031872—3%	1896-97	1,000	The Bank of Bengal.
*041321—3½%	1842-43	1,000	Lakshmibai.

* The last two Notes were endorsed to the proprietress Rukhmabai Kelkar by whom none of the above-mentioned Notes were ever endorsed to any other person. Payment of the above Notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for payment of accrued interest and for the issue of duplicates in favour of the proprietress after two years from the date of last advertisement.

Name of the Proprietress—

O Mark of RUKHMABAI KELKAR.

Residence—Athni (District Belgaum).

Partially Destroyed.**The Government Promissory Notes—**

015215, 3½ per cent. 1854-55	R 1,000	Originally standing in the name of Hormosji Nowrosji Cooper
015220, " " "	" 500	
073044, " " 1865	" 1,000	
073045, " " "	" 500	
077267, " " "	" 500	
087365, " " " "	500	Originally standing in the name of the Bank of Bengal

the latter last endorsed to Hormosji Nowrosji Cooper, the proprietor, by whom all the above notes were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public

Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of duplicates in favour of the proprietor.

HORMOSJI NOWROSJI COOPER,
Sadr Bazar, Fhansi.

Destroyed.

The Government Promissory Note No. 117685 of the 3½ per cent. loan of 1865 for rupees 500, originally standing in the name of the Comptroller General and last endorsed to Chattar Singh, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the accrued interest and for the issue of duplicate in favour of the proprietor after two years from the date of last advertisement.

Name of Proprietor—

CHATTAR SINGH,

Residence—Kohat-Kurram, Peshawar.



SUPPLEMENT TO
The Gazette of India.

No. 49 } CALCUTTA, SATURDAY, DECEMBER 7, 1901.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known. The Debates of the Legislative Council of His Excellency the Governor General will in future be published in PART VI of the GAZETTE.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of five Rupees per annum if delivered in Calcutta, or eight Rupees if sent by Post. The SUPPLEMENT and PART VI of the GAZETTE can also be subscribed for separately on a payment of Rupees six per annum if delivered in Calcutta or Rupees nine if sent by Post.

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

Rainfall summary for the past seven days, ending at 8 a.m. on Thursday, the 5th December 1901, based on the India Daily Weather Reports of the period.

With the present return a new rainfall period is commenced. Conditions have been very quiet with a high temperature and fine weather over India during the week under review.

The rainfall of the week has been confined to a few light showers over Burma and Assam and to moderate showers over the south of the Peninsula. These showers occurred as follows: in Burma on the 29th November and the 4th and 5th December; in Assam on the 29th November and the 1st and 2nd December; in the south of the Peninsula showers occurred daily, the amounts received exceeding one inch at Nellore on the 29th and 30th of November and at Mangalore, Trichinopoly, Coimbatore, Wellington and Negapatam on the 2nd December; at other times the showers were light or moderate.

The concluding table shows that appreciable rain was received during the week in the Brahmaputra Valley, the Calicut sub-division of the West Coast, the Bellary sub-division of the Deccan, both the sub-divisions of South India and the South division of the East Coast; elsewhere there was actually or practically no rain. The week's rainfall was slightly more than usual in the following areas, *viz.*, the Madura and Mysore sub-divisions of South India, the Bellary sub-division of the Deccan and the Brahmaputra division; elsewhere the total fall was less than usual, though in the East Coast (South) the average actual rainfall of the week exceeded 2" and in the Madura sub-division 1".

SUPPLEMENT TO THE GAZETTE OF INDIA, DECEMBER 7, 1901.

RAINFALL DIVISION WITH REPRESENTATIVE STATION.	Rainfall sub-division named after representative station.	RAINFALL DATA FOR WEEK ENDING ON 5TH DECEMBER 1901.			RAINFALL DATA FROM 20TH NOVEMBER TO 5TH DECEMBER 1901.			SEASONAL PERCENTAGE VARIATION.
		Average actual rainfall.	Average normal rainfall.	Excess or defect in inches.	Average actual rainfall of season to date.	Average normal rainfall.	Excess or defect in inches.	
		Inches.	Inches.	Inch.	Inches.	Inches.		
Burma Coast (Rangoon) . . .	...	0'05	0'17	—0'12	0'05	0'17	— 0'12	— 71
Burma Wet (Bhamo) . . .	...	0'06	0'12	—0'06	0'06	0'12	— 0'06	— 50
Burma Dry (Mandalay) . . .	...	0'02	0'04	—0'02	0'02	0'04	— 0'02	— 50
Delta of Bengal . . .	{ Narayanganj .	0	0'12	—0'12	0	0'12	— 0'12	—100
Brahmaputra Valley (Sibsagar) .	{ Calcutta .	0	0'05	—0'05	0	0'05	— 0'05	—100
	...	0'15	0'13	+0'02	0'15	0'13	+ 0'02	+ 15
Himalayas and Sub-Himalaya, East.	{ Dinajpur .	0	0'03	—0'03	0	0'03	— 0'03	—100
	{ Darbhanga .	0	0'01	—0'01	0	0'01	— 0'01	—100
	{ Bahraich .	0	0'02	—0'02	0	0'02	— 0'02	—100
Indo-Gangetic Plain, East . . .	{ Burdwan .	0	0'03	—0'03	0	0'03	— 0'03	—100
	{ Patna .	0	0'04	—0'04	0	0'04	— 0'04	—100
Himalayas and Sub-Himalaya, West.	{ Simla .	0	0'12	—0'12	0	0'12	— 0'12	—100
	{ Ludhiana .	0	0'05	—0'05	0	0'05	— 0'05	—100
Indo-Gangetic Plain, West . . .	{ Cawnpore .	0	0'02	—0'02	0	0'02	— 0'02	—100
	{ Lahore .	0	0'03	—0'03	0	0'03	— 0'03	—100
N.-W. Dry Area (Bikaner) . . .	...	0	0'04	—0'04	0	0'04	— 0'04	—100
Baluchistan (Quetta) . . .	...	0	0'37	—0'37	0	0'37	— 0'37	—100
East Coast, North . . .	{ Waltair .	0'01	0'43	—0'42	0'01	0'43	— 0'42	—98
	{ Cuttack .	0	0'13	—0'13	0	0'13	— 0'13	—100
East Satpuras . . .	{ Ranchi .	0	0'01	—0'01	0	0'01	— 0'01	—100
	{ Raipur .	0	0'02	—0'02	0	0'02	— 0'02	—100
	{ Jubbulpore .	0	0'03	—0'03	0	0'03	— 0'03	—100
Central India Plateau . . .	{ Jhansi .	0	0'02	—0'02	0	0'02	— 0'02	—100
	{ Jaipur .	0	0'02	—0'02	0	0'02	— 0'02	—100
	{ Indore .	0	0'03	—0'03	0	0'03	— 0'03	—100
West Coast . . .	{ Calicut .	0'51	0'62	—0'11	0'51	0'62	— 0'11	— 18
	{ Bombay .	0	0'01	—0'01	0	0'01	— 0'01	—100
Gujarát . . .	{ Ahmedabad .	0	0'01	—0'01	0	0'01	— 0'01	—100
	{ Rajkot .	0	0'01	—0'01	0	0'01	— 0'01	—100
West Satpuras (Akola) . . .	...	0	0'02	—0'02	0	0'02	— 0'02	—100
Deccan . . .	{ Bellary .	0'44	0'20	+0'24	0'44	0'20	+ 0'24	+120
	{ Bijapur .	0	0'05	—0'05	0	0'05	— 0'05	—100
	{ Hyderabad .	0	0'04	—0'04	0	0'04	— 0'04	—100
South India . . .	{ Mysore .	0'40	0'17	+0'23	0'40	0'17	+ 0'23	+135
	{ Madura .	1'07	0'68	+0'39	1'07	0'68	+ 0'39	+ 57
East Coast, South (Madras) . . .	...	2'12	2'58	—0'46	2'12	2'58	— 0'46	— 18

W. L. DALLAS,

*for Meteorological Reporter to the Government of India
and Director General of Indian Observato.*

SIMLA,
The 5th December, 1901.

J. B. FULLER,
Secretary to the Government of India

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.

Season and Crop Prospects for the week ending Saturday, the 30th November, 1901.

Madras.—The rainfall was light to fair generally. Water supplies are sufficient for cultivation except in parts of the Deccan. Ploughing, sowing and transplanting continue everywhere. Standing crops on the whole are in fair condition. Harvesting continues with fair outturn. Pasture and fodder are sufficient. The condition of cattle on the whole is good. Prices are falling but are still above warning rates. Kitchen inmates—Cuddapah—men, 58; women, 187; children, 257; total, 502. Test works—men, 704; women, 689; children, 141; total, 1,524. Grand total, 2,026.

Bombay.—Very slight rain fell during the week in parts of Kanara. More rain is wanted in parts of Gujarat, the Deccan and Belgaum for standing crops or for spring cultivation. Crops have been slightly damaged by rats, locusts or insects in parts of Shikarpur, Thar and Parkar, Kaira, Broach, Surat, Khandesh, Rajkot and Baroda, and are suffering from insufficient moisture in parts of Ahmedabad, Kaira, Surat, Baroda, Nasik, Ahmednagar, Bijapur and Belgaum. Reaping of autumn crops has been completed in Kolaba and Ratnagiri, is nearly finished in Karachi, Hyderabad and Nasik, and is in progress in parts of Shikarpur, Larkana, Upper Sindh Frontier, Thar and Parkar, Surat, Khandesh, Poona, Bijapur, Belgaum, Kanara and Baroda. Threshing is in progress in parts of Hyderabad, Upper Sindh Frontier, Thar and Parkar, Thana, Kolaba, Nasik, Ahmednagar and Poona. The outturn of autumn crops is estimated as generally good in the Konkan and the Karnatak, fair in Sindh and the Deccan and moderate to poor in Gujarat. Cotton prospects generally are good in the Karnatak and fair in Surat, Broach, Baroda, Khandesh and Nasik. Picking continues in Khandesh. Preparations for the spring cultivation are in progress in parts of Ratnagiri and Kanara but generally are retarded in the Panch Mahals and parts of Kaira. Spring sowings are almost completed in Larkana and are in progress in Karachi, Hyderabad, Thar and Parkar, Ahmedabad, Kaira, the Konkan, Nasik, Poona, Belgaum, Wadhwan and Baroda. The fodder supply is sufficient, except in parts of Sholapur and Dharwar. Agricultural stock generally is sufficient.

Daily average numbers on relief—British Districts—on relief works, 22,521; dependants, 2,140; total on works, 24,661. In poor-houses, 1,818; on village relief, 15,830; total on gratuitous relief, 17,648. Figures for Belgaum are incomplete. Native States—on relief works, 16,003; dependants, 547; total on works, 16,550. In poor-houses, 2,769; on village relief, 374; total on gratuitous relief, 3,143. Figures for Aundh are incomplete. Grand total, 62,002. Prices have risen in three districts, fallen in five districts and are stationary elsewhere. The price of rice is slightly below normal in Gujarat, about normal in the Konkan and slightly over normal in the Deccan and the Karnatak but easier than in 1900. The price of *bajri* is about normal in Gujarat, over normal in the Deccan and the Konkan and considerably over normal in the Karnatak, and, compared with 1900, is considerably easier. The price of *juar* is over normal in Gujarat and considerably over normal in the Deccan, the Konkan and the Karnatak, and, compared with 1900, is considerably easier. The price of wheat is over normal in Gujarat and the Konkan and considerably over normal in the Deccan and the Karnatak but easier than in 1900. Prices of cheapest food grain in pounds per rupee at head-quarters:—Ahmedabad, 37; Kaira, 40; Panch Mahals, 36; Sholapur, 39 $\frac{1}{10}$; Ahmednagar, 35; Poona, 27 $\frac{1}{10}$; Satara, 36 $\frac{3}{10}$; Bijapur, 34 $\frac{1}{2}$; Belgaum, 34. The physical condition of the people is reported to be good, fair or normal.

Bengal.—The rainfall of the week was general and heavy at places, but it was very light in Bihar and Chota-Nagpur, where several districts are still

in need of more rain. The rain has improved the prospects of the crops in Bihar and also in the districts of Birbhum and Nadia, but it has proved injurious to crops in Burdwan, Chittagong, Balasore, and Puri. Damage to crops has also been caused to some extent in Midnapore, Hooghly, Howrah, 24-Parganas, and Backergunge by the recent rain as well as by the cyclonic storm of 26th November. The extent of damage to crops, as far as known, is reported to be from two to four annas in the sadar sub-division of Midnapore and 25 per cent. in the Patuakhali sub-division of Backergunge. Some cattle are also said to have been drowned on the foreshore outside the seadyke in the Midnapore district. Fodder and water are sufficient. The price of common rice has risen in ten districts, fallen in twenty-three and is stationary in the rest.

North-Western Provinces and Oudh.—Slight showers of rain are reported in Jaunpur and Gorakhpur. The harvesting of autumn crops is practically finished. Spring sowings are nearly finished and have been completed in Bijnor, Moradabad, Muzaffernagar, Rai-Bareilly, Partabgarh, Cawnpore and Jhansi. Germination is reported as being generally good, but rain is needed in a few districts. Sugarcane is suffering in parts of Ballia for want of rain. In several districts it is being pressed. The irrigation of spring crops and poppy is being carried on generally. Locusts caused slight damage to crops in parts of Muttra and Faruknabad but passed through Budaun and Hardoi without doing any injury. Markets are full and fodder is sufficient. Prices continue generally stationary.

Punjab.—There was no rain during the week. Harvesting of autumn crops is nearly over. Sowings of spring crops are in progress on irrigated lands. They have been finished in Ferozepore only. There are no sowings on unirrigated lands. Rain is badly wanted throughout the province. Cotton picking and sugarcane pressing are in progress. The outturn of autumn crops is generally average on irrigated, and poor on unirrigated, areas. The prospect of irrigated crops is average and of unirrigated much below average in Ferozepore. Sugarcane and cotton crops are withering for want of rain in Sialkot. Crops have been damaged by locusts in Delhi and by rats in parts of Amballa and Ferozepore. Locusts also appeared in Karnal but did no damage. Cattle are generally in good condition. Fodder is sufficient in all districts except in parts of Karnal and Mooltan. Test works will be started by the 15th instant in Hissar and will be opened before long in Rohtak. The influx of Hissaris and Bagris is on the decrease in Karnal. There is very little fluctuation in prices. The price of wheat is rising in Jullundur and Rawalpindi and falling in Amballa, Ferozepore and Mooltan, and that of gram is rising in Jullundur and Rawalpindi and falling in Hissar, Ferozepore, Amritsar and Shahpur. Wheat is selling from 14½ to 21, gram 17½ to 26, barley 21 to 25, maize 21 to 32, great-millet 19 to 22½ and bulrush-millet 17 to 25 seers per rupee.

Burma.—**LOWER BURMA.**—Reaping of early paddy is in progress. Heavy rain fell in Kyaukpyu and Akyab. **UPPER BURMA.**—Reports from Mandalay and two other districts have not been received. Cultivation of alluvial lands and the sowing of wheat and pulse crops continue. Reaping of hill side and early paddy crops is progressing. Cotton is still being plucked. Rain is wanted in two townships of Pakokku, in Shwebo, Mandalay, Lower Chindwin and Meiktila. Standing crops are withering in the Yeu and the Shwebo sub-divisions of Shwebo. They are in good condition in two townships of Lower Chindwin. The *juar* and sesamum crops in Mandalay are in poor condition. The reduction of revenue in Mandalay is estimated at Rs 60,000. The price of paddy has fallen in Tharrawaddy and has risen in the Upper Chindwin; elsewhere it is stationary.

Central Provinces.—There has been no rain. The weather has been cold and seasonable, but there has been little or no dew in places. The harvesting of rice and of other autumn crops and the picking of cotton is nearing completion. *Juar* has suffered in parts of Nagpur from insufficiency of moisture. Spring sowings have generally germinated fairly well. Damage

by insects to the young spring plants continues in most districts, and wheat is suffering from lack of moisture. Rain is badly needed in Wardha. Linseed will not yield more than $\frac{1}{2}$ to $\frac{3}{4}$ of the average; gram seems to be doing well. Prices have fluctuated slightly; the lowest prices are wheat 16, gram 20, rice 18 and *juar* 23 $\frac{3}{4}$ seers per rupee; the highest prices are wheat 8 $\frac{3}{4}$, gram 12, rice 8 and *juar* 13 $\frac{3}{4}$ seers per rupee.

Assam.—The rainfall was slight in Cachar and Sylhet and heavy in the Assam valley. Plucking of tea is in progress and its outturn is good in Sylhet and Lakhimpur and fair elsewhere. Pruning has been commenced in Sylhet. Sowing of pulse and mustard, reaping of late rice and pressing of sugarcane are in progress, and the prospects of sugarcane and late rice generally are good. The rice crop has been slightly damaged by rain. Fodder is insufficient in parts of Kamrup. Prices—common rice—Sylhet 15 $\frac{3}{4}$, Silchar 13, Gauhati 12, Sibsagar 11, Tezpur, Nowgong and Dibrugarh 10, and Dhubri 9 seers per Rupee.

Mysore.—The rainfall was 41 cents in the Civil and Military Station. Standing crops are in good condition throughout the province. *Ragi* and paddy are being harvested in various parts and in other parts Bengal gram is being sown. Prospects are good in Bangalore, Mysore and Tumkur and fair in Kolar, Hassan and Chitaldrug. Prices are steady in Kolar, have slightly fallen in Mysore, Kadur, Tumkur, in parts of Bangalore, Hassan and Chitaldrug and have slightly risen in other parts of Bangalore, Hassan and Chitaldrug. Cattle are healthy. Water and fodder are available. More rain is required in parts of Bangalore. **COORG.**—The rainfall was 8 cents only. Picking of coffee continues. Rice crops are maturing. Prices of food grains are stationary. Water and fodder are sufficient.

Berar.—The weather was cold. Crop prospects generally are good. Slight damage by rats is reported in parts of two districts. Sowings have been completed in five districts. Fodder and water are enough for requirements. Prices are steady.

Hyderabad.—There was no rain during the week. The total from 1st January is 21 inches 4 cents. Standing spring crops are in fairly good condition but require more rain in parts. Preparations for winter rice sowing have been commenced in four places. The water supply is adequate to wants. Pasture and fodder are scarce in parts of the Nalgundah, Naldurg and Mahbubnagar districts. Grain prices are fairly stationary. Prices—wheat 5 $\frac{3}{4}$, coarse rice 7 $\frac{3}{4}$ and *juar* 17 seers per halli rupee.

Rajputana.—No rain fell. Spring sowings are in progress throughout Rajputana except in Kherwara owing to rats which are increasing. In Bikanir cultivators are busy in collecting fodder. Standing crops are in good condition in villages watered by the Ghaggar canal in Bikanir and Alwar and fair in Mewar, Sirohi, Kotah, Jhallawar, Dholpur, Karauli and Ajmer-Merwara. Seedlings of wheat and gram have germinated in parts of Jaisalmir. Damage by rats continues in Bikanir and by rats and locusts in parts of Jaisalmir. Locusts have damaged the crops in parts of Kishengarh and rats in places and one flight of locusts in Ajmer-Merwara. The state of agricultural stock and fodder generally is good and sufficient. Cotton is in fair condition in Mewar and Ajmer-Merwara. Cotton picking is in progress in Jaipur and Kishengarh. Prices are falling in Mewar, Marwar, Tonk, Bundi, Kotah, Jhallawar, Jaipur, Kishengarh, Alwar and Dholpur, slightly rising in Ajmer-Merwara and steady elsewhere. The cheapest prices average from 11.4 to 25.9 seers per rupee. Number of labourers on the last day of the week in Marwar—459. Gratuitous relief—97 in Marwar, Sirohi and Jaisalmir. Total 556.

Central India.—There was no rain during the week. Agricultural operations are in progress everywhere. Standing crops are in good condition in Gwalior, Bundelkhand and Baghelkhand, fair in Bhopal, Bhopawar and Indore and indifferent in Malwa. Crops have been damaged by locusts in parts of

Bhopal, by rats in parts of Malwa and by rats and insects in Bhopawar. The state of agricultural stock and pasturage is good in all Agencies. Opium sowings are in progress in Gwalior, Bhopawar and Indore. Prices are falling in Gwalior and Bhopal, are steady in Bundelkhand and Malwa, below average at Baghelkhand, average in Bhopawar and fluctuating in Indore. Average prices—Gwalior 13-11 to 26-4, Bundelkhand 10 to 24, Malwa 16, Bhopawar 15 to 16 and Indore 7 to 20 seers the rupee. Gratuitously relieved—Rutlam 176; Jaora 53; total 229.

Baroda.—Harvesting of autumn and sowing of spring crops continue. Crops are being damaged by rats. Standing spring crops are in fair condition, but prospects are gloomy for want of moisture. The condition of agricultural stock is fair. Prices—*bajri* 30, *juar* 22, wheat 22, rice superior 13, rice inferior 21 pounds per rupee. Number on relief works—17,117; gratuitous relief, 10,067; total 27,184.

Kashmir.—The weather was bright and is becoming rather cold. Prices are normal. Rice sells for 20 seers the rupee. **JAMMU PROVINCE.**—No rain fell. The condition of the standing crops is good on irrigated, but poor on unirrigated areas. Rain is badly wanted. The spring sowings are nearly finished. Fodder is sufficient. Prices are stationary. Wheat sells from 15 to 30 and maize from 18 to 36 seers the rupee.

Nepal.—The rainfall was slight. The weather was fine and not so cold as it should be. The land is being prepared for the winter sowings. The price of rice is 9 seers for the rupee.

The number of persons in receipt of relief during the preceding and present weeks in each Province is shown in the following table :—

Name of Province.	PRECEDING WEEK. (REVISED FIGURES.)			PRESENT WEEK.			Increase or decrease.
	Relief works.	Gratuitous relief.	TOTAL.	Relief works.	Gratuitous relief.	TOTAL.	
<i>British Provinces.</i>							
Madras	1,548	495	2,043	1,524	502	2,026	— 17
Bombay	28,976	22,431	51,407	24,661	17,648	42,309	— 9,098
TOTAL BRITISH PROVINCES	30,524	22,926	53,450	26,185	18,150	44,335	—9,115
<i>Native States.</i>							
Rajputana States . . . . .	...	94	94	459	07	550	+ 462
Central India States . . . . .	...	838	838	...	229	229	— 609
Baroda	16,417	9,871	26,288	17,117	10,067	27,184	+ 896
Bombay Native States	13,713	3,056	16,769	16,550	3,142	19,693	+ 2,924
TOTAL NATIVE STATES	30,130	13,859	43,989	34,126	13,536	47,662	+ 3,673
GRAND TOTAL	60,654	36,785	97,439	60,311	31,686	91,997	— 5,442

J. B. FULLER,
Secretary to the Government of India.

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.
(FAMINE.)

Return of the number of persons in receipt of relief in districts affected by scarcity.

NOTE.—The figures are compiled from returns obtained from Local Governments and Political Officers, and give the corrected District and Provincial totals published weekly in the Crop and Weather Summary of the *Gazette of India*.

Non-labouring children and other dependants of relief workers are classed as on relief works when distinguished in the local returns from gratuitously relieved in poor-houses or at their homes. Weavers relieved in their own trade are shown under "gratuitous Relief."

No	Name of Province and District.	Population.	FOR THE WEEK ENDING THE 2ND NOVEMBER 1901.			FOR THE WEEK ENDING THE 9TH NOVEMBER 1901.			FOR THE WEEK ENDING THE 16TH NOVEMBER 1901.			FOR THE WEEK ENDING THE 23RD NOVEMBER 1901.	
			Relief works.	Gratuitous relief.	Total.	Relief works.	Gratuitous relief.	Total.	Relief works.	Gratuitous relief.	Total.	Relief works.	Gratuitous relief.
1	Madras.												
	Cuddapah	1,291,903	1,979	509	2,488	1,769	431	2,200	1,653	537	2,190	1,548	495
	TOTAL MADRAS	1,291,903	1,979	597	2,576	1,769	512	2,281	1,653	537	2,190	1,548	495
	Bombay:												
1	Ahmedabad	795,094	...	3,204	3,204	...	3,588	3,588	...	3,752	3,752	189	3,860
2	Kaira	715,725	...	212	212	...	274	274	...	165	165	...	279
3	Panch Mahals	261,870	1,834	47	1,881	2,089	36	2,125	1,309	29	1,338	3,199	33
4	Sholapur	720,978	17,529	10,417	27,946	13,797	7,470	21,267	9,856	134	9,990	6,753	828
5	Ahmednagar	837,774	9,024	17,407	26,431	5,794	9,950	15,744	5,868	8,654	14,522	5,173	7,973
6	Satara	1,146,521	371	122	493	...	9	9	...	8	8	...	...
7	Bijapur	735,041	19,159	7,189	26,348	16,939	5,773	22,712	14,048	5,072	19,120	12,239	4,783
8	Belgaum	994,209	8,823	3,727	12,550	2,371	3,727	6,098	1,611	2,294	3,905	1,423	4,660
9	Dharwar	1,113,426	...	10	10	...	...	...	...	23	23	...	15
	TOTAL BOMBAY	7,320,638	80,930	44,940	105,870	41,048	30,985	72,033	32,692	20,131	52,823	28,976	22,431
	TOTAL BRITISH PROVINCES .	8,612,541	62,909	45,537	108,446	42,817	31,497	74,314	34,345	20,688	55,013	31,524	22,926
	Central India States.												
1	Indore	1,099,000	...	664	664	...	664	664	...	664	664	...	664
2	Jaora	84,000	...	54	54	...	63	63	...	62	62	...	59
3	Ratlam	83,000	...	44	44	...	45	45	...	46	46	...	115
	TOTAL CENTRAL INDIA STATES	1,266,000	...	762	762	...	772	772	...	772	772	...	838
1	Baroda	2,415,396	17,940	10,700	28,640	17,040	9,590	26,630	17,025	9,722	26,747	16,417	9,871
	Bombay Native States.												
1	Kathawar	2,752,404	7,606	1,510	9,116	2,457	1,129	3,586	6,921	1,242	8,163	7,267	1,384
2	Palanpur	645,626	1,378	247	1,625	1,581	296	2,127	2,141	374	2,515	3,140	441
3	Rewa Kantha	733,506	396	110	506	396	110	506	39	91	409	51	...
4	Amudh	65,146	42	26	68	45	25	70	46	24	70	29	21
5	Jamkhadi	192,162	1,807	364	2,171	1,625	350	1,975	1,263	320	1,583	1,070	314
6	Jath	71,443	1,241	428	1,667	430	...	430	252	...	252	...	...
7	Daphlapur	8,343	41	7	51	48	7	55	51	7	58	48	7
8	Miraj (Junior)	35,487	10	6	16	15	...	15	13	...	13	13	...
9	Sangli	238,945	827	62	889	872	65	937	853	...	853	801	65
10	Mudhol	61,515	1,094	682	1,776	969	770	1,739	835	770	1,605	936	770
	TOTAL BOMBAY NATIVE STATES	4,714,777	14,715	3,560	18,275	8,688	2,752	11,440	12,414	2,789	15,203	13,719	3,056
	TOTAL NATIVE STATES .	8,996,173	32,655	15,022	47,677	25,728	13,114	38,842	29,439	13,283	42,722	30,130	18,765
	GRAND TOTAL BRITISH PROVINCES AND NATIVE STATES .	17,008,714	95,564	60,559	156,123	68,545	44,611	113,156	63,784	33,951	97,735	60,654	36,691

NOTE.—Districts and States in which relief operations ceased in the last week of the previous return are omitted from the statement, unless for these districts and States have been included for comparison in the Provincial and Grand Totals.

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

EXECUTION OF CONTRACTS FOR THE SUPPLY AND TRANSPORT CORPS.

No. 1611-27.

Extract from the Proceedings of the Government of India in the Home Department (Judicial), under date Calcutta, the 4th December 1901.

READ—

Resolution of the Government of India in the Home Department, No. ^{3-Judicial}₄₀₅₋₅₀₁, dated the 28th March 1895, on the subject of the execution of deeds, contracts and other instruments on behalf of His Majesty's Secretary of State for India in Council.

Resolution of the Government of India in the Home Department, No. 1222—1233, dated the 25th August 1899, amending Part B-III of the above-mentioned Resolution which relates to Commissariat Contracts.

Endorsement from the Military Department, No. 3068-F., dated the 18th October 1901, and enclosures, regarding the amendment of Part B-III of above-mentioned Resolution of the 28th March 1895.

RESOLUTION.

IN exercise of the powers conferred by section 2 of the East India Contracts Act, 1870 (33 & 34 Vict., c. 59), and of all other powers enabling him in this behalf, the Governor General in Council, pleased, in supersession of the orders contained in the Resolution of the 25th August, 1899, cited in the preamble, to declare that the under-mentioned classes of deeds, contracts and other instruments referred to in section 1 of the Government of India Act, 1859 (22 & 23 Vict., c. 41), may be executed as follows:—

“III.—Contracts for the Supply and Transport Corps as detailed below:—

[Note.—When tenders are expressly declared to be intended to take effect as contracts, they will not be executed on behalf of the Secretary of State.]

- | | | |
|---|---|--|
| <ol style="list-style-type: none"> 1. Articles of Agreement with Government servants, whom the officers specified have power to appoint. 2. Contracts for supplies and services to, and purchases from, the Supply and Transport Corps. 3. All instruments connected with the re-conveyance of property given as security. | } | <p>By the Secretary to the Government of India, Military Department, and, subject to the limits for the time being fixed in Army Regulations, India, Volume V (Supply and Transport), the Inspectors General of Supply and Transport, the Chief Supply and Transport Officers, the Storekeeper General of Supply and Transport and the Executive Supply and Transport Officers.”</p> |
|---|---|--|

ORDER.—Ordered that the above Resolution be communicated to Local*

<ul style="list-style-type: none"> • Madras. Bombay. Bengal. N.-W. Provs. and Oudh. Punjab. 	<ul style="list-style-type: none"> Burma. Central Provinces. Assam. Coorg. Berar.
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Governments and Administrations, and the several Departments of the Government of India for information; and that it be also published

in the Supplement to the *Gazette of India*.

[True Extract.]

J. P. HEWETT,

Secretary to the Government of India.

**STATEMENT OF WHOLESALE AND RETAIL PRICES OF FOOD-GRAINS
AND CERTAIN STAPLE ARTICLES FOR THE SECOND
HALF OF OCTOBER 1901**

GOVERNMENT OF INDIA
FINANCE AND COMMERCE DEPARTMENT

WHOLESALE PRICES FOR THE SECOND HALF OF OCTOBER

DISTRICTS	RICE, UNHUSKED		RICE, HUSKED		WHEAT		FLOUR (WHEAT)		BARLEY		JAWAR	
	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900
Bengal—(a)												
Calcutta—												
Bengal . . . . .	...	...	29.63	31.96	...	...	...	...	...	...	...	...
Tutty . . . . .	...	...	29.22	29.91	...	...	...	...	...	...	...	...
Moulmein and Amherst . . . . .	...	...	28.32	31.53	55.65	48.12	...	...	...	...	...	...
Bihar—(deltic)—												
Bhagalpur . . . . .	...	...	23.88	26.23	32.32	35.56	...	...	...	...	...	...
Thongwa . . . . .	...	...	32.99	27.95	...	...	...	...	...	...	...	...
Bansain . . . . .	...	...	30.92	32.49	...	...	...	...	...	...	...	...
Bihar—(inland)—												
Bansain . . . . .	...	...	24.71	29.49	...	...	...	...	...	...	...	...
Tongoo . . . . .	...	...	24.81	29.63	...	...	...	...	...	...	...	...
Upper Burma—												
Mandalay . . . . .	...	...	34.22	37.21	38.1	31.64	...	...	...	...	13.17	17.25
Bamo . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Pabaka . . . . .	...	...	30.77	31.37	...	...	...	...	...	...	...	26.67
Assam—												
Dibrugarh . . . . .	...	...	40	30.77	...	...	...	...	...	...	...	...
Akyab . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Central India—												
Gwalior . . . . .	...	15.31	...	30.62	...	...	...	...	...	...	...	...
Gondal . . . . .	...	...	...	25	...	...	...	...	...	...	...	...
Central India—(a)												
Chittagong . . . . .	...	...	33.75	35	...	...	...	...	...	...	...	...
Basse . . . . .	...	...	42.5	31.25	30	23.75	...	...	25	22.5	...	...
Central India—												
Midnapur . . . . .	...	...	{ 31.87 and 38.12 }	30	...	...	...	...	...	...	...	...
Chitrita . . . . .	...	...	42.5	37.5	35	37.5	...	...	23.75	25	30	...
Central India—												
Bardwan . . . . .	...	...	35	33.12	...	...	...	...	...	...	...	...
Pabna . . . . .	...	...	35	28.12	26.25	28.75	...	...	...	...	...	...
Central India—												
Banspur . . . . .	...	...	40	35	37.5	30	...	...	...	...	...	...
Central India—												
Outback . . . . .	...	...	29.69	25.31	33.75	35.62	...	...	...	...	...	...
Central India—												
Panna . . . . .	...	...	31.87	28.12	27.5	27.5	...	...	21.87	21.87	20.62	12.5
Central India—												
Bhagalpur . . . . .	...	...	35	28.75	31.25	31.67	...	...	19.37	20.94	...	...
Muzaffarpur . . . . .	...	...	34.84	26.56	31.87	30.62	...	...	18.12	23.44	...	...
W. Provinces—												
Benares	20.99	24.84	35.62	38.38	29.27	34.11	34.27	36.67	23.59	35.36	...	...
Central India—												
Gwalior	10.01	16.67	34.06	31.98	30.21	31.98	34.79	34.08	21.04	20.52	...	...
Jhansi	21.87	24.63	44.43	40	31.09	35.67	...	42.08	23.28	28.02	24.06	...
Eastern—												
Meerut . . . . .	...	...	36.35	40	26.07	31.98	30.78	35.35	19.22	24.22	...	...
Agra	25	25	53.33	57.18	29.74	34.53	35.21	40	21.61	26.07	22.86	27.6
Submontane, west—												
Bhabh-hampur	15.36	14.79	31.98	31.41	26.25	30.21	...	...	17.45	20.52	...	...
Central India—												
Lucknow	16.67	16.72	31.98	30	29.03	31.15	36.35	36.56	20	23.44	24.22	...
Central India—												
Fyzabad	19.37	20	43.23	40	30	35	...	...	20.47	26.25	...	...

(a) The figures under "Rice, husked" represent the prices of common rice

(The figures state prices in rupees per ten maunds)

[illegible]

WHOLESALE PRICES FOR THE SECOND HALF OF OCTOBER—continued

Districts	1901		1900		1901		1900		1901		1900		1901		1900	
	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900
Central Provinces—																
Bhopal	...	...	17-53	11-31	...	...	...	...	...	...	...	...	...	...	...	...
Indore	...	...	22-54	22-54	...	...	...	...	...	...	...	...	...	...	...	...
Madhya Pradesh and Amherst	...	...	18-77	20-38	...	...	...	...	...	...	...	...	...	...	...	...
North Provinces—																
Aligarh	...	...	20	19-05	...	...	...	...	...	...	...	...	...	...	...	...
Meerut	...	...	20-38	20-76	...	...	...	...	...	...	...	...	...	...	...	...
Benares	...	...	22-61	22-61	...	...	...	...	...	...	...	...	...	...	...	...
North-West Provinces—																
Meerut	...	...	24-71	23-7	...	...	...	...	...	...	...	...	...	...	...	...
Aligarh	...	...	21-81	27	...	...	...	...	...	...	...	...	...	...	...	...
United Provinces—																
Meerut	...	...	24-81	21-19	...	...	...	...	...	...	...	...	...	...	...	...
Aligarh	...	...	23-19	24-71	...	...	...	...	...	...	...	...	...	...	...	...
Central India—																
Aligarh	...	...	25	36-36	...	...	...	...	...	...	...	...	...	...	...	...
North India—																
Aligarh	60	80	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Aligarh	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
South India—																
Aligarh	45	52-5	40	36-25	110	130	...	...	...	...	...	...	...	...	...	...
Aligarh	55	60	38-75	35-62	80	100	...	...	...	...	...	...	...	...	...	...
Central India—																
Aligarh	35	50	36-25	35-62	55	50	...	...	...	...	...	...	...	...	...	...
Aligarh	40	55	35	33-75	72-5	107-5	...	...	...	...	...	...	...	...	...	...
Aligarh	40	57-5	35	33-75	90	90	...	...	...	...	...	...	...	...	...	...
North India—																
Aligarh	40	55	35	32-5	...	...	...	...	...	...	...	...	...	...	...	...
Aligarh	37-3	47-5	38-12	38-12	82-5	110	...	...	...	...	...	...	...	...	...	...
South India—																
Aligarh	62-5	66-25	40	37-5	90	70	...	...	...	...	...	...	...	...	...	...
Central India—																
Aligarh	45	45	31-25	31-25	42-5	42-5	...	...	...	...	...	...	...	...	...	...
North India—																
Aligarh	30	50	37-5	35	30	30	...	...	...	...	...	...	...	...	...	...
South India—																
Aligarh	52-5	63-12	37-19	36-25	...	100	...	...	...	...	...	...	...	...	...	...
Aligarh	100	86-25	40	38-12	80	80	...	...	...	...	...	...	...	...	...	...
W. Provinces—																
North—																
Benares	41-93	57-24	...	...	...	...	...	...	...	...	...	...	...	...	...	...
North—																
Cowwara	44-48	57-13	...	...	65	55	100	135	...	...	...	...	...	...	...	...
Jhansi	56-25	60	...	...	...	...	...	...	...	...	...	...	...	...	...	...
North—																
Meerut	...	57-18	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Aligarh	38-91	61-51	...	...	133-33	133-33	150	150	3-83	3-33	5	...	...	...	...	...
North—																
Aligarh	...	...	...	...	...	...	100 and 130	135 and 140	...	...	...	...	...	...	...	...
North—																
Aligarh	44-43	67-5	...	...	70	70	...	...	3-33	3-33	1-37	...	...	...	...	...
North—																
Aligarh	85	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

(The figures state prices in rupees per tonne)

[illegible]

(The figures state prices in rupees per ton.)

BARRA		BARRA		BARRA		BARRA		BARRA		BARRA		Districts
1901	1900	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900	
												Rajputana—
26.56	24.08	...	...	26.56	21.09	26.56	40.99	...	...	426.56	402.34	Eastern— Ajmer
												Panjab—
18.12	22.19	...	...	18.12	22.19	20	33.12	40	57.13	415	435	Southern— Ferozpur
20.52	24.27	...	...	17.76	21.09	17.81	32.97	41.04	48.49	413.12	376.25	Central— Lahore
23.24	21.04	...	...	18.18	19.06	21.77	40	81.98	86.35	400	400	South-eastern— Delhi
...	26.67	...	...	...	20	17.4	34.06	...	...	...	...	Submontane— Amritsar
17.34	23.44	...	...	17.34	25	19.06	32.19	38.12	40	355.62	304.84	Northern— Rawalpindi
19.08	20.94	...	...	17.4	18.12	22.03	34.79	...	...	400	400	Western— Multan
												Sind and Baluchistan—
20	26.75	...	...	...	...	23.33	...	36.25	...	400	385	Karachi
...	21.87	...	...	...	...	23.28	35.62	...	...	382.5	...	Shikarpur
...	...	...	...	21.25	24.06	...	...	45 to 46.87	47.5 to 52.5	350 to 480	370 to 425	Quetta
												Bombay—
...	...	...	...	...	...	...	...	...	...	...	...	Deccan—
...	...	...	...	...	...	...	...	...	...	...	...	Dharwar
...	...	...	...	...	...	...	...	...	...	...	...	Sholapur
...	...	...	...	...	...	...	...	...	...	...	...	Poona
23.06	37.19	...	...	...	...	32.13	40.83	...	...	...	...	Khandesh—
...	35.47	...	...	...	...	...	...	...	...	...	...	Ahmadnagar
...	...	...	...	...	...	...	...	...	...	...	...	Dhulia
23.94	34.84	...	...	...	...	...	...	...	...	...	...	Gujarat—
...	...	...	...	...	...	...	...	...	...	...	...	Surat
...	...	...	...	...	...	...	...	...	...	...	...	Ahmadabad
												Central Provinces—
...	...	...	...	...	...	28	38	44	48	317	450	Western— Nagpur
...	...	...	...	...	...	25	33.25	33.25	...	300	310	Central— Jubbulpore
...	...	...	...	...	...	28	34	40	42	300	360	Eastern— Raipur
												Berar—
33.93	40.38	...	...	...	...	33.33	41.62	50	50	295.23	400	Basim
25.51	66.07	...	...	...	...	40	50	53.33	53.33	355.62	492.31	Akola
48.75	48.75	...	...	...	...	32.5	37.5	43.75	50	320	380	Ellichpur
												Amrāoti
												Madras—
21	25.2	...	...	...	...	39.2	45.1	...	...	434.3	325.7	South, central—
...	...	29.2	20.3	...	...	...	...	...	...	423.1	359.6	Coimbatore
...	...	...	...	...	...	...	...	...	...	...	...	Salem
23.4	23	...	...	...	...	43.5	43.5	35.3	...	396.8	365.1	Central—
...	...	...	...	...	...	...	...	...	...	329	206.1	Bellary
...	...	...	...	...	...	...	...	...	...	...	...	Cuddapah
...	...	...	...	...	...	...	...	...	...	...	...	Karnul
...	...	26.8	30.8	...	...	...	...	36.6	40.8	...	...	East Coast, central— Nellore
...	...	...	...	...	...	35.9	40.9	...	...	395	329.2	East Coast, south—
...	...	...	...	...	...	...	...	...	...	...	...	Madras
...	...	24.9	24.9	...	...	...	...	...	...	...	...	Tanjore
...	...	...	...	...	...	...	...	...	...	...	...	Trichinopoly
20	20	...	...	...	...	...	...	29.9	34.2	...	...	Southern— Madura
												Mysore—
...	...	26.47	24.44	...	...	29.16	30.21	33.28	37.77	457	354	Mysore
...	...	27.59	28.21	...	...	25.81	29.89	63.8	74.72	452.76	376.75	Bangalore

WHEELS LEAVE FOR THE SECOND HALF OF OCTOBER -conclude

[illegible]

(The figures state prices in rupees per ten mounds)

JAWAR STATES		BENGA		SINDH		PUNJAB		RAJPUTANA		DISTRICTS
1901	1900	1901	1900	1901	1900	1901	1900	1901	1900	
...	2.5	...	...	140	140	...	...	80	80	Rajputana— Eastern— Ajmer
4.00	5	...	...	50	50	...	...	75	75	Panjab— Southern— Ferozpur
...	...	...	...	100	100	...	...	112.5	112.5	Central— Lahore
5	4.01	...	...	65	60	...	...	100	100	South-eastern— Delhi
...	...	...	...	...	...	...	...	...	100	Submontane— Amritsar
4.43	4.01	...	...	60	60	...	...	60	60	Northern— Bawalpindi
5	3.50	...	...	50	50	...	...	70	70	Western— Multan
10.78	...	...	...	...	...	...	...	...	...	Sind and Baluchistan— Karachi Shikarpur Quetta
...	...	6.09	7.5	40 to 140	40 to 140	...	...	...	...	Bombay— Deccan— Dharwar Sholapur Poona
...	...	...	...	...	...	...	...	...	...	Khandesh— Ahmadnagar Dhulia
...	...	...	...	...	...	...	...	...	...	Gujarat— Surat Ahmadabad
...	...	...	...	...	...	...	...	...	...	Central Provinces— Western— Nagpur
...	...	...	...	60	60	...	...	70	70	Central— Jubbulpore
...	...	...	...	55	50	...	...	45	30	Eastern— Raipur
...	...	...	...	...	...	...	...	...	...	Berar— Basim Akola Killohpur Aurangoti
3.75	3.3	...	...	60	70	...	...	80	70	Madras— South, central— Coimbatore Salem
...	...	...	...	40	40	...	...	150	100	Central— Bellary Ouddapah Karnul
...	...	...	...	80	...	...	...	100	150	East Coast, central— Nellore
...	...	...	...	...	...	...	...	...	...	East Coast, south— Madras Tanjore Trichinopoly
...	...	...	...	80	60	80	60	100	100	Southern— Madura
...	...	...	...	...	...	...	...	...	...	Mysore— Mysore Bangalore
...	...	...	...	55	55	55	55	...	...
...	...	...	...	80	80	80	80	...	...
...	...	...	...	...	...	...	...	40	40	
...	
...	...	...	...	100	100	...	...	70	70	
...	...	...	...	140	120	...	...	150	150	

J. A. ROBERTSON
Offg. Director-General of Statistics

J. F. FINLAY
Secretary to the Government of India

GOVERNMENT OF INDIA
FINANCE AND COMMERCE DEPARTMENT

RETAIL PRICES FOR THE SECOND HALF OF OCTOBER 1901 (The figure

DISTRICTS	WHEAT		BARLEY		RICE				JAWAR OR OHOLUM (<i>Andropogon sorghum</i>)		BAJRA OR CHHRO (<i>Pennisetum typhoides</i>)	
					Best sort		Common					
	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month
Burma—												
Tanasserim—												
Mergui . . . . .	...	...	...	...	9 1	9 1	10 6	10 6	...	...	...	...
Tavoy . . . . .	...	...	...	...	12 12	12 12	13 6	13 6	...	...	...	...
Moulmein and Amherst	6 13	6 13	...	...	12 6	12 6	13 4	13 6	...	...	...	...
Pegu (deltic)—												
Pegu . . . . .	...	...	...	...	10 8	10 8	11 14	11 14	...	...	...	...
Bungoon	11 8	11 8	...	...	14 10	14 8	16 8	16 8	...	...	...	...
Thongwa . . . . .	...	...	...	...	10 —	10 —	11 1	11 1	...	...	...	...
Bassien . . . . .	...	...	...	...	10 8	10 8	12 5	12 5	...	...	...	...
Pegu (inland)—												
Tharawadi . . . . .	...	...	...	...	10 1	10 1	11 10	11 10	...	...	...	...
Hennada . . . . .	...	...	...	...	9 1	9 1	12 2	12 2	...	...	...	...
Prone . . . . .	...	...	...	...	8 9	8 9	13 15	13 15	...	...	...	...
Tonagoo . . . . .	...	...	...	...	13 8	13 3	14 9	14 9	...	...	...	...
Thayetmyo	9 9	9 9	...	...	10 6	10 6	13 2	13 2	24 8	24 8	...	...
Upper Burma—												
Mandalay	10 5	10 8	...	...	11 6	11 6	11 9	11 9	29 —	29 —	...	...
Bamo . . . . .	...	...	...	...	10 10	10 10	16 14	16 14	...	...	...	...
Pakokku . . . . .	...	...	...	...	9 13	9 13	12 12	12 12	...	...	...	...
Meiktila . . . . .	...	...	...	...	9 11	9 11	12 4	12 4	20 —	20 —	...	...
Arahan—												
Bandoway . . . . .	...	...	...	...	10 12	11 —	11 10	12 5	...	...	...	...
Myaukpya . . . . .	...	...	...	...	9 7	7 10	10 7	8 10	...	...	...	...
Akyab . . . . .	...	...	...	...	8 —	8 —	9 —	9 —	...	...	...	...
Assam—												
Burma—												
Sylhet . . . . .	...	...	...	...	8 6	8 —	10 8	10 —	...	...	...	...
Cachar	6 8	7 —	...	...	6 —	5 12	13 —	11 —	...	...	...	...
Hill tracts—												
Khasi and Jaintia Hills	6 1	6 —	...	...	5 —	5 —	8 —	8 —	...	...	...	...
Garo Hills . . . . .	...	...	...	...	...	3 4	7 —	6 8	...	...	...	...
Manipur . . . . .	...	...	...	...	20 —	16 8	22 —	18 —	...	...	...	...
Benaraspur—												
Goalpara	12 —	11 4	...	...	5 8	5 8	9 —	10 —	...	...	...	...
Kamrup	8 —	8 —	...	...	7 —	7 —	9 8	9 8	...	...	...	...
Larrang	7 8	8 —	...	...	9 —	7 —	11 —	10 —	...	...	...	...
Bowgong . . . . .	...	...	...	...	4 8	4 8	10 —	10 —	...	...	...	...
Sibsagar . . . . .	...	...	...	...	6 —	6 2	11 —	10 —	...	...	...	...
Lakhimpur	7 8	7 —	...	...	5 12	5 8	9 —	9 —	...	...	...	...
Bengal—												
Eastern hill tracts—												
Naga Hills . . . . .	...	...	...	...	13 —	12 —	15 —	14 —	...	...	...	...
Eastern—												
Backerganj . . . . .	...	...	...	...	...	...	{ 9 — and 11 4	{ 9 — and 12 —	...	...	...	...
Noakhali . . . . .	...	...	...	...	...	...	12 —	11 —	...	...	...	...
Chittagong . . . . .	...	...	...	...	...	...	10 10	10 9	...	...	...	...
Tippera . . . . .	...	...	...	...	...	...	{ 8 — and 12 5	{ 8 — and 12 5	...	...	...	...
Dacca	13 —	11 —	16 —	15 —	...	...	9 8	10 —	...	...	...	...
Maimensingh	10 —	10 —	10 —	10 —	...	...	10 —	8 —	...	...	...	...
Deltic—												
Khulna . . . . .	...	...	...	...	...	...	10 —	9 8	...	...	...	...
24 Parganas . . . . .	...	...	...	...	...	...	10 —	10 —	...	...	...	...
Midnapur	10 —	10 —	...	...	...	...	{ 10 8 and 12 8	{ 10 10 and 10 —	...	...	...	...
Howrah . . . . .	...	...	...	...	...	...	10 —	9 6	...	...	...	...
Calcutta	10 10	10 10	16 —	16 —	...	...	8 14	8 14	11 13	11 13	20 10	20 10
Barisal . . . . .	...	...	...	...	...	...	9 4	9 4	...	...	...	...
Bahra (Krishnagarh)	14 9	13 14	16 —	15 8	...	...	11 1	11 4	...	...	...	...
Patna	10 —	10 —	10 —	10 —	...	...	12 —	11 12	...	...	...	...
Benares	13 5	14 —	16 —	...	...	...	9 6	9 3	...	...	...	...

state the number of sers (of 80 tolas) and chittacks sold for one rupee)

MAIZE OR BARI (Eleusine coracana)		KANGNI OR KAKUM, ITALIAN MILLET (Setaria italica)		GRAM, CHENNA, CHOLA, KADALAY, OR SUNAGA (Cicer arietinum)		MAIZE (Zea Mays)		ARHAR OR THUR, CADJAN PEA (Cajanus indicus)		SALT		DISTRICTS
Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	
...	14 2	14 2	Burma—
...	15 15	15 15	Tenasserim—
...	9 5	9 5	...	...	7 9	7 9	16 4	16 4	Mergui
...	Tavoy
...	Moulmein and Aunherst
...	9 10	9 10	...	...	7 —	7 —	14 —	14 —	Pegu (deltaic)—
...	14 12	14 12	...	...	12 10	12 12	19 —	19 —	Pegu
...	14 —	14 —	Rangoon
...	7 1	7 1	...	...	...	...	15 1	15 1	Thongwa
...	Bassein
...	8 8	8 8	...	...	...	...	14 4	14 4	Pegu (inland)—
...	7 2	7 2	14 3	14 3	Tharawadi
...	9 14	9 14	...	...	7 —	7 —	14 3	14 3	Henzada
...	9 12	9 12	...	...	...	...	10 10	10 10	Prome
...	6 6	6 6	28 3	28 3	6 8	6 9	14 8	14 8	Tonugoo
...	Thayetmyo
...	11 4	11 4	33 —	33 —	7 3	7 3	14 8	14 8	Upper Burma—
...	5 12	5 5	...	...	5 12	7 1	10 10	10 10	Mandalay
...	13 5	13 5	...	...	5 1	5 1	12 10	12 10	Bamo
...	8 13	8 13	22 —	22 —	5 10	5 10	9 12	9 12	Pakokku
...	Meiktila
...	18 10	18 10	Arakan—
...	9 —	9 —	...	...	6 —	6 —	30 —	30 —	Sandoway
...	15 —	15 —	Kyaukpada
...	Akyab
...	Assam—
...	8 12	10 8	...	...	10 —	10 —	10 —	10 —	Surma—
...	10 —	10 —	...	...	7 4	9 8	9 4	9 12	Sylhet
...	Cachar
...	8 —	8 —	13 —	13 —	6 —	6 —	8 —	8 —	Hill tracts—
...	6 8	6 8	...	...	4 8	4 8	6 8	6 8	Khasi and Jaintia Hills
...	3 —	3 —	4 —	4 —	Garo Hills
...	Manipur
...	10 —	10 —	...	...	8 —	8 —	10 —	10 —	Brahmaputra—
...	10 —	10 —	...	...	9 —	9 —	10 —	10 —	Goalpara
...	10 —	10 —	...	...	9 —	7 8	9 8	10 —	Kamrup
...	7 —	7 —	...	...	8 —	7 —	8 8	8 8	Darrang
...	8 8	8 6	...	...	8 —	8 —	8 8	8 14	Nowgong
...	8 —	8 —	...	...	8 —	7 8	8 —	8 —	Sibsagar
...	Lakhimpur
...	Bengal—
...	5 8	5 8	...	...	5 —	5 —	6 —	6 —	Eastern hill tracts—
...	Naga Hills
...	10 —	10 —	...	...	...	...	10 —	10 —	Eastern—
...	8 —	8 —	...	...	...	...	9 —	9 —	Buckerganj
...	9 8	9 8	...	...	8 8	8 9	9 8	9 8	Noakhali
...	9 —	9 —	Chittagong
...	18 —	11 —	...	...	9 12	9 12	10 —	10 —	Tippera
...	10 —	10 —	...	...	7 8	7 8	9 —	9 —	Dacca
...	9 8	9 8	...	...	8 —	8 —	10 —	10 —	Maimensingh
...	12 8	13 4	...	...	11 4	10 12	10 11	10 11	Deltoic—
...	12 8	12 8	...	...	{ 8 — to 9 —	{ 8 — to 9 —	10 —	10 —	Khulna
...	11 12	11 7	...	...	11 4	10 8	10 8	10 8	24-Parganas
...	11 13	11 13	17 12	16 —	9 6	9 6	11 —	11 —	Midnapur
...	12 8	12 8	...	...	8 —	8 —	10 —	10 —	Howrah
...	15 4	15 8	...	...	9 7	9 2	11 6	11 6	Calcutta
...	10 —	12 —	...	...	10 —	10 —	9 8	10 —	Hooahly
...	11 10	12 —	...	...	8 —	6 12	10 —	10 —	Nadia (Krishnagar)
...	Jessore
...	Daridpur

RETAIL PRICES FOR THE SECOND HALF OF OCTOBER 1901—continued (The figures

Districts	BARRA		BARRA		BARRA		BARRA		BARRA		BARRA		BARRA		BARRA	
	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month
Central—continued																
Banars	10 —	10 8	...	...	...	...	12 8	14 —	...	...	...	...	...	...	...	...
Bardwan	11 8	11 8	...	...	...	...	11 4	11 4	...	...	...	...	...	...	...	...
Bibhu	11 4	12 —	...	...	...	...	11 10	10 8	...	...	...	...	...	...	...	...
Burhabad	13 8	14 —	18 —	18 —	...	...	11 8	11 —	...	...	...	...	...	...	...	...
Banthal Parganas	10 —	10 —	...	...	...	...	12 —	13 8	...	...	...	...	...	...	...	...
Bahra	15 —	15 —	25 —	25 —	...	...	11 —	10 8	...	...	...	...	...	...	...	...
Bogra	11 4	11 4	...	...	...	...	11 4	9 12	...	...	...	...	...	...	...	...
Bajahali	13 8	13 8	21 —	21 —	...	...	{ 10 8 and 12 12 }	{ 10 8 and 12 12 }	...	...	...	...	...	...	...	...
Bala	13 —	13 —	...	...	...	...	10 —	10 8	...	...	...	...	...	...	14 —	...
Barran	9 —	9 —	...	...	...	...	8 8	9 —	...	...	...	...	...	...	...	...
Barran	11 8	11 8	...	19 4	...	...	10 13	10 13	...	...	...	...	...	...	...	...
Barran	11 —	10 8	...	...	...	...	9 8	10 —	...	...	...	...	...	...	...	...
Barran	...	...	...	...	...	...	8 —	8 —	...	...	...	...	...	...	...	...
Barran	10 8	10 8	...	...	...	...	15 —	13 2	...	...	...	...	...	...	...	...
Barran	11 2	11 2	...	...	...	...	13 7	11 13	...	...	...	...	...	...	...	...
Barran	{ 9 — and 10 — }	10 8	...	...	...	...	11 8	11 8	...	...	...	...	...	...	...	...
Barran	10 —	10 —	...	...	...	...	14 —	13 —	...	...	...	...	...	...	...	...
Barran	11 —	11 —	16 —	20 —	...	...	13 4	13 —	24 —	16 —	...	...	...	...	...	...
Barran	{ 7 12 to 10 — }	8 — to 10 —	16 —	16 —	...	...	13 —	12 10	...	...	...	...	...	...	...	...
Barran	10 2	9 9	13 8	13 8	...	...	11 4	10 11	...	...	...	...	...	...	...	...
Barran	11 —	11 —	16 —	13 4	...	...	11 8	11 8	...	...	...	...	...	...	...	...
Barran	18 10	13 9	14 11	17 13	...	...	11 9	11 9	...	...	...	...	...	...	...	...
Barran	12 —	12 4	16 8	14 6	...	...	10 4	10 8	16 —	...	...	...	...	...	...	...
Barran	14 —	13 8	18 —	18 —	...	...	12 8	12 8	19 —	25 —	...	...	...	...	...	...
Barran	12 —	12 —	15 —	16 —	...	...	9 —	10 —	...	...	...	...	...	...	...	...
Barran	12 —	13 4	...	...	...	...	{ 8 — and 10 — }	{ 9 — and 10 — }	...	...	...	...	...	...	...	...
Barran	12 10	13 2	20 4	20 4	...	...	10 12	11 8	...	...	...	...	...	...	...	...
Barran	12 —	12 —	17 9	...	...	...	11 4	12 —	...	...	...	...	...	...	...	...
Barran	12 —	12 —	21 —	22 —	...	...	11 —	11 —	...	...	...	...	...	...	...	...
Barran	12 8	13 6	16 —	16 —	...	...	11 —	12 —	...	...	...	...	...	...	...	...
Barran	12 —	13 —	19 4	22 —	...	...	9 —	11 —	...	...	...	...	...	...	...	...
Barran	12 8	12 8	16 —	15 8	6 8	6 8	11 —	10 —	16 —	17 —	18 —	16 —	16 —	16 —	16 —	16 —
Barran	12 11	12 11	16 5	16 8	8 15	9 13	10 5	10 5	19 —	17 5	14 14	14 14	14 14	14 14	14 14	14 14
Barran	11 10	11 10	15 6	15 4	6 4	6 4	9 4	6 14	15 2	15 1	15 2	15 2	15 2	15 2	15 2	15 2
Barran	18 —	13 —	17 —	17 —	5 8	5 8	11 —	9 8	23 —	21 —	...	...	...	...	...	...
Barran	11 8	11 —	16 4	17 —	6 8	6 8	10 —	11 —	18 —	17 —	19 —	17 —	19 —	17 —	19 —	17 —
Barran	11 4	11 4	17 —	14 —	5 —	5 —	9 4	9 4	22 —	18 8	20 —	17 —	20 —	17 —	20 —	17 —
Barran	12 —	12 —	15 —	15 —	11 —	10 —	13 —	12 —	...	...	...	...	...	...	...	...
Barran	11 8	11 4	16 —	16 —	6 —	6 —	9 —	9 —	20 8	20 8	20 8	20 8	20 8	20 8	20 8	20 8
Barran	11 —	10 —	16 —	16 —	7 —	7 —	9 —	9 —	17 —	17 —	18 —	17 —	18 —	17 —	18 —	17 —
Barran	13 —	12 12	18 6	18 —	...	...	11 —	11 8	...	...	...	...	...	...	...	...
Barran	12 10	12 5	17 8	17 4	7 —	7 —	11 —	11 —	16 5	15 12	17 1	16 —	17 1	16 —	17 1	16 —
Barran	13 4	13 —	18 —	17 8	5 —	5 —	9 —	9 —	19 —	17 8	19 —	18 —	19 —	18 —	19 —	18 —
Barran	12 9	12 15	19 1	19 1	5 2	5 2	8 15	8 15	...	...	18 11	...	...	...	...	...
Barran	13 12	13 10	18 8	18 4	...	...	9 4	9 4	...	...	19 4	18 4	19 4	18 4	19 4	18 4
Barran	13 12	13 8	18 —	19 —	5 8	5 8	9 —	9 —	...	...	20 —	...	...	...	...	...
Barran	14 —	13 —	19 8	19 —	4 —	4 —	11 —	11 —	22 —	20 —	19 —	18 —	19 —	18 —	19 —	18 —
Barran	12 12	12 —	13 —	16 8	7 —	7 —	10 —	9 8	17 —	16 —	17 —	16 —	17 —	16 —	17 —	16 —
Barran	13 —	13 —	18 —	18 —	5 —	5 —	9 —	9 —	13 —	16 —	16 —	16 —	16 —	16 —	16 —	16 —
Barran	14 —	13 —	19 4	19 8	5 8	5 8	...	6 —	20 8	...	19 —	...	...	...	...	...
Barran	15 10	14 6	20 4	21 8	6 8	6 8	8 8	8 8	23 8	19 —	20 4	20 —	20 4	20 —	20 4	20 —
Barran	12 —	12 —	15 8	15 8	6 8	6 —	8 12	9 —	17 —	17 8	...	...	...	...	...	...
Barran	11 12	11 12	15 12	15 12	6 10	6 10	12 2	12 2	...	...	...	...	...	...	...	...
Barran	13 —	13 —	16 8	16 8	9 —	9 —	13 —	14 —	...	...	20 12	...	...	...	...	...
Barran	12 8	12 8	16 8	16 12	7 12	7 —	14 12	14 12	17 —	17 —	...	...	...	...	...	...

state the number of sera (of 80 talas and chittas sold for one rupee)

MARWA OR RAGI (Eleusine coracana)		KANKUN, KALLAN, MILLER (Setaria italica)		KADALEY, OR SUNAGA (Oleria aristatum)		MAISE (Zea Mays)		KANKUN, KALLAN, MILLER (Setaria italica)		SALT		Districts
Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	
...	13 —	12 —	...	...	11 —	10 8	10 —	10 —	Bengal—continued
...	14 —	14 —	...	...	10 8	10 8	11 8	11 8	Central—
...	13 8	13 —	...	...	9 —	8 —	10 11	10 8	Bankura
...	14 —	13 8	...	...	11 8	11 —	11 —	11 —	Bardwan
...	12 —	12 —	20 4	31 —	12 5	13 —	10 —	10 —	Birbhum
...	12 —	12 —	...	...	8 4	8 4	9 12	9 12	Murshidabad
...	12 —	12 —	...	...	12 —	12 —	10 2	10 2	Santhal Parganas
...	13 8	13 8	...	...	13 8	13 8	9 12	9 12	Pabna
...	14 —	14 —	22 —	...	10 —	10 —	9 8	9 8	Hogra
...	11 —	11 —	11 —	11 —	6 —	6 —	9 —	9 —	Rajshahi
...	12 —	12 —	...	...	9 9	8 6	10 8	10 —	Malda
...	12 8	13 —	...	...	10 —	10 —	10 —	10 —	Northern—
16 —	16 —	...	...	9 8	10 —	20 —	22 —	6 8	6 8	8 8	8 —	Rangpur
...	12 —	11 13	...	...	7 —	7 —	13 8	13 8	Dinajpur
...	13 12(a)	13 7(a)	...	...	13 12	13 7	13 —	13 —	Jalpaiguri
...	12 —	10 8	...	...	8 —	8 —	11 —	11 —	Hills—
...	9 —	9 —	...	...	8 —	8 —	9 —	9 —	Darjeeling
...	13 —	13 —	30 —	34 —	9 8	10 8	10 —	10 —	Orissa—
30 —	32 —	...	...	11 5	11 —	24 —	32 —	6 —	6 —	9 —	9 —	Puri
23 10	20 4	...	...	10 2	10 11	19 2	27 —	15 3	13 8	9 —	8 7	Cuttack
25 —	26 —	...	...	12 —	12 —	21 —	23 —	9 —	9 —	9 —	8 —	Balasora
...	15 12	15 12	21 —	22 4	15 12	16 12	10 8	10 8	Chota Nagpur—
16 8	18 —	16 5	19 8	15 8	15 —	17 8	18 —	13 —	12 8	10 —	10 4	Singbhum
18 —	21 —	20 —	20 —	16 —	15 —	19 —	21 —	15 —	16 —	10 8	10 8	Mánbhum
...	15 —	16 —	17 —	19 —	12 —	12 —	10 —	10 —	Ranchi
...	11 8	11 —	...	...	8 —	8 —	10 —	10 —	Paláman
...	15 4	15 4	19 —	20 4	10 4	10 14	10 4	10 —	Hazáribágh
19 4	22 —	...	...	16 8	16 8	19 4	23 1	12 —	12 —	10 11	10 4	Bihár, south—
20 —	20 —	...	13 —	16 —	16 —	19 —	20 —	13 —	13 —	10 8	10 8	Monghyr
21 —	24 5	...	...	18 —	18 8	20 —	24 8	18 —	18 8	10 —	10 —	Gaya
...	13 —	13 —	18 8	...	12 —	11 8(b)	10 4	10 —	Patna
...	16 —	16 —	17 —	...	15 —	15 —	10 —	10 —	Shahabad
...	17 —	17 —	18 8	...	16 —(b)	14 —(b)	10 —	10 —	Bihár, north—
...	18 —	18 —	19 4	17 6	13 10	13 10	10 —	10 —	Furnea
...	19 8	18 8	...	...	12 2	11 10	9 4	9 8	Bhágálpur
...	13 —	17 —	18 8	...	20 —(b)	13 —(b)	11 —	11 —	Darbhanga
...	14 —	14 —	15 8	...	15 —(b)	14 —(b)	11 4	11 4	Muzaffarpur
...	15 —	15 —	16 8	...	16 —(b)	15 —(b)	10 —	10 —	Sáran
...	16 —	16 —	17 8	...	17 —(b)	16 —(b)	10 —	10 —	Champéran
...	17 —	17 —	18 8	...	18 —(b)	17 —(b)	10 —	10 —	N.W. Provinces—
...	18 —	18 —	19 4	17 6	13 10	13 10	10 —	10 —	Eastern—
...	19 —	19 —	20 —	...	14 —	14 —	10 —	10 —	Mirzapur
...	20 —	20 —	21 —	...	15 —	15 —	10 —	10 —	Benares
...	21 —	21 —	22 —	...	16 —	16 —	10 —	10 —	Ghasipur
...	22 —	22 —	23 —	...	17 —	17 —	10 —	10 —	Jaunpur
...	23 —	23 —	24 —	...	18 —	18 —	10 —	10 —	Allahabad
...	24 —	24 —	25 —	...	19 —	19 —	10 —	10 —	Central—
...	25 —	25 —	26 —	...	20 —	20 —	10 —	10 —	Banda
...	26 —	26 —	27 —	...	21 —	21 —	10 —	10 —	Fatehpur
...	27 —	27 —	28 —	...	22 —	22 —	10 —	10 —	Hamirpur
...	28 —	28 —	29 —	...	23 —	23 —	10 —	10 —	Jalaun
...	29 —	29 —	30 —	...	24 —	24 —	10 —	10 —	Cawnpore
...	30 —	30 —	31 —	...	25 —	25 —	10 —	10 —	Jhánai
...	31 —	31 —	32 —	...	26 —	26 —	10 —	10 —	Etáwah
...	32 —	32 —	33 —	...	27 —	27 —	10 —	10 —	Farukhabad
...	33 —	33 —	34 —	...	28 —	28 —	10 —	10 —	Mainpuri
...	34 —	34 —	35 —	...	29 —	29 —	10 —	10 —	Etah
...	35 —	35 —	36 —	...	30 —	30 —	10 —	10 —	Western—
...	36 —	36 —	37 —	...	31 —	31 —	10 —	10 —	Meerut
...	37 —	37 —	38 —	...	32 —	32 —	10 —	10 —	Agra
...	38 —	38 —	39 —	...	33 —	33 —	10 —	10 —	Muttra
...	39 —	39 —	40 —	...	34 —	34 —	10 —	10 —	Aligarh
...	40 —	40 —	41 —	...	35 —	35 —	10 —	10 —	Bulandshahr
...	41 —	41 —	42 —	...	36 —	36 —	10 —	10 —	Submontane, east—
...	42 —	42 —	43 —	...	37 —	37 —	10 —	10 —	Balla
...	43 —	43 —	44 —	...	38 —	38 —	10 —	10 —	Azamgarh
23 13	23 13	19 8	21 4	15 4	15 4	17 —	19 —	13 —(b)	12 —(b)	10 —	10 —	Gorakhpur
19 —	19 —	12 —	12 —	16 5	16 8	21 —	21 —	12 12	12 12	10 —	10 —	Basti

RETAIL PRICES FOR THE SECOND HALF OF OCTOBER 1901—continued (The figures

Districts	WHEAT		BARLEY		Best sort		Common		Sorghum or (Andropogon sorghum)		Barnum or (Pennisetum polystachyon)	
	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month
N. W. Provinces—continued												
Submontane, west—												
Shahjahanpur	15 4	14 12	23 —	21 4	7 8	7 8	12 8	11 —	—	20 —	—	18 —
Budaun	14 12	14 4	24 —	24 —	5 —	5 —	11 8	11 8	22 —	22 —	19 —	21 —
Pilibhit	14 7	14 5	21 —	21 —	5 4	5 4	12 8	12 8	—	—	—	—
Bareilly	14 11	13 9	21 14	20 15	6 4	5 10	11 9	10 10	23 12	21 14	21 4	20 —
Moradabad	14 3	13 10	21 12	21 2	5 —	5 —	10 9	10 9	20 12	20 12	16 4	15 4
Bijnor	15 3	14 14	24 12	24 12	4 5	4 8	10 2	9 —	20 4	—	—	—
Muzaffarnagar	15 2	14 8	25 4	21 —	—	10 8	11 8	11 —	—	—	21 —	—
Saharanpur	15 1	14 11	22 5	22 1	4 13	4 13	10 12	9 11	19 5	19 5	17 3	17 4
Dehra-Dun	13 —	13 —	20 —	21 —	5 8	5 8	8 4	8 —	16 —	15 —	10 —	16 —
Hills—												
Naini Tal	10 —	10 —	15 8	15 8	4 —	4 —	8 —	8 —	—	—	16 —	16 —
Almora	13 8	13 4	17 —	18 —	4 8	4 8	11 8	10 13	—	—	—	—
Gashwal	13 —	15 —	16 —	16 —	6 —	6 —	9 —	9 —	—	—	—	—
Oudh—												
Southern—												
Partabgarh	12 —	12 8	18 —	19 —	7 8	7 —	14 —	13 —	—	—	18 —	17 —
Sultanpur	13 8	13 12	18 —	18 —	7 —	7 —	14 9	13 8	—	—	—	—
Bae-Bareilly	13 —	13 —	18 —	18 —	5 4	5 4	13 8	13 8	22 —	20 —	23 —	20 —
Unao	13 —	13 —	18 —	17 8	6 —	6 —	13 —	12 —	18 8	18 8	18 —	18 —
Lucknow	13 —	12 4	20 —	19 8	4 8	4 8	11 8	11 —	16 8	16 —	21 —	18 8
Hardoi	14 8	14 4	22 —	20 —	—	—	11 —	11 —	—	—	13 —	18 —
Northern—												
Fyzabad	13 —	12 13	19 8	18 8	7 8	7 8	8 8	13 —	35 —	20 —	20 —	19 —
Barabanki	12 8	12 8	18 —	18 —	6 —	6 —	12 —	—	—	—	—	—
Gonda	13 8	13 8	18 —	18 —	—	—	11 4	11 8	16 —	16 —	16 —	16 —
Bahraich	14 —	14 —	21 —	21 —	6 8	6 8	9 —	—	25 —	26 —	21 —	31 —
Sitapur	14 —	13 12	21 —	20 8	5 —	5 —	11 —	—	22 —	22 —	22 —	22 —
Kheri	14 4	13 4	24 —	23 —	8 —	8 —	—	—	30 —	23 —	22 —	22 —
Rajputana—												
Eastern—												
Partabgarh	11 4	9 13	10 —	10 —	4 8	4 8	—	7 12	15 4	13 —	14 —	13 8
Banewara	9 —	8 8	—	12 —	5 —	5 —	—	7 8	—	—	—	—
Mewar (Udaipur)	11 4	11 2	14 1	13 7	7 2	7 4	7 10	7 13	13 13	13 15	13 13	13 15
Hilly Tracts of Mewar (Jungarpar)	7 8	8 8	10 —	12 —	4 —	4 4	5 4	5 6	—	—	—	—
Sirohi	10 —	9 11	13 —	13 12	4 12	5 —	7 10	7 8	10 12	11 4	11 —	11 4
Erinpura	11 —	11 —	13 15	13 8	5 8	5 8	7 8	7 8	14 8	14 8	13 8	13 8
Ajmer	12 8	11 10	15 8	14 13	5 8	5 8	8 —	8 —	15 —	15 —	15 —	15 5
Abu	10 14	10 10	13 2	13 4	5 4	5 5	8 5	8 6	—	—	12 4	12 5
	11 4	10 15	—	—	—	—	—	—	—	—	—	—
Kishanganj	13 4	12 12	17 8	16 4	5 —	5 —	10 —	10 —	17 —	16 —	17 8	14 4
Bundi	11 —	10 9	18 —	15 9	6 3	5 8	7 —	7 11	21 —	19 11	15 —	16 14
Kotah	8 14	8 —	11 8	11 —	5 4	5 8	6 —	6 4	14 10	12 10	12 10	11 12
Jhalawar	9 1	8 —	9 14	10 —	5 15	5 15	7 2	7 2	12 12	11 11	—	—
Tonk	8 9	8 6	15 5	14 12	5 15	6 1	6 10	6 13	16 10	15 15	15 3	15 12
Jaipur	11 13	11 10	17 1	16 5	6 9	6 10	7 9	7 11	19 1	17 5	17 1	16 5
Karauli	10 10	10 10	20 —	20 —	7 13	7 13	8 12	8 12	20 5	20 5	20 6	19 6
Dholpur	12 8	12 6	18 —	17 11	7 —	7 —	8 2	8 2	16 3	16 14	17 13	18 2
Bharatpur	12 11	12 8	18 3	17 10	5 —	5 —	6 12	6 12	20 6	19 9	18 9	18 14
Alwar	13 1	12 15	18 2	17 10	5 12	5 12	7 13	7 13	19 —	18 3	16 14	15 11
Daulat	11 14	11 3	15 7	14 5	6 —	6 —	8 —	8 —	16 11	16 5	16 —	16 —
Nasirabad	12 8	12 —	—	—	8 —	8 —	8 8	8 8	15 8	15 —	15 —	14 8
Bikaner	11 6	11 13	—	—	4 8	4 8	7 8	7 8	14 5	14 5	14 8	14 8
	10 4	10 3	—	—	—	—	—	—	—	—	—	—
Anand	10 8	10 7	—	—	5 6	5 9	8 1	8 1	—	—	11 15	11 10
Shahpura	10 —	9 4	14 —	13 8	6 —	6 1	7 —	7 —	14 —	15 —	14 —	14 —
Western—												
Jodhpur	9 15	9 8	—	—	—	—	—	—	—	—	—	—
	11 10	10 13	13 5	13 —	6 4	6 4	7 8	7 8	13 3	13 —	12 6	12 6
Jaisalmer	9 —	9 —	—	—	5 8	6 —	7 12	8 —	12 —	12 —	11 —	11 —
Bikaner	11 11	10 10	14 10	15 —	8 4	3 4	4 8	4 8	—	—	11 6	11 —
Central India—												
Indore	10 12	10 8	14 12	15 —	8 —	8 —	9 4	9 —	15 8	13 —	14 —	13 12
Nimach	12 —	11 12	—	—	6 —	6 —	8 8	8 8	15 —	14 —	13 8	13 8
Gwalior	10 12	10 5	16 4	16 8	5 15	5 14	7 —	6 15	15 12	14 10	15 14	—
Punjab—												
Southern—												
Hisar	15 8	14 4	22 —	22 —	—	—	10 —	10 —	20 —	20 —	18 —	17 8
Ferozepur	16 —	16 —	28 —	25 —	—	—	8 —	8 —	20 —	23 —	20 —	20 —
Central—												
Lahore	16 11	15 9	27 8	26 3	—	—	8 8	8 7	22 8	22 8	18 8	17 4
Gujranwala	16 4	15 10	33 8	26 8	—	—	9 8	9 —	24 —	22 —	18 —	16 —
Gujrat	21 —	20 —	32 —	29 —	—	—	9 —	9 —	22 —	20 —	20 —	20 —
Jhelum	18 8	18 8	24 —	27 —	—	—	9 —	9 —	20 —	20 —	20 —	20 —

RETAIL PRICES FOR THE SECOND HALF OF OCTOBER 1901—continued (The figures

Districts	TANJAVUR		BANKUR		Best sort		Common		JAWAR OR CHOLU (Andropogon sorghum)		BAJRA OR GURBU (Pennisetum polystachyon)	
	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month
Panjab—continued												
South-eastern—												
Gurgaon	13 12	13 12	20 8	20 8	...	...	8 —	8 —	23 8	22 —	18 —	19 —
Delhi	14 —	13 8	21 —	19 8	...	...	10 —	10 —	20 —	19 8	17 8	17 8
Rohat	14 12	14 8	19 —	19 —	...	...	13 —	9 —	18 8	18 —	16 —	17 —
Karnal	13 8	13 8	25 —	22 —	...	...	9 —	8 —	20 —	20 —	16 —	17 —
Submontane—												
Ambala	16 4	16 4	23 —	23 —	...	...	10 —	10 —	...	...	...	...
Ludhiana	17 —	17 8	25 8	25 —	...	...	9 8	9 8	20 8	20 8	18 —	18 —
Jalandhar	18 8	17 —	20 —	20 —	...	...	8 —	8 —	20 —	20 —	16 —	16 —
Hoshiarpur	18 —	18 —	22 —	22 —	...	...	10 —	10 —	24 —	24 —	22 —	22 —
Gurdaspur	19 —	18 —	23 —	27 —	...	...	11 —	10 —	...	...	...	...
Amritsar	17 —	17 —	25 —	24 —	...	...	9 12	9 12	23 —	21 —	19 —	19 —
Sialkot	17 —	15 —	30 —	27 —	...	...	12 —	10 —	24 —	25 —	23 —	24 —
Hills—												
Simla	12 12	12 —	16 —	16 —	...	...	7 —	7 —	18 —	14 —	12 —	12 —
Kangra	15 —	15 —	24 —	24 —	...	...	12 —	12 —	...	...	...	...
Northern—												
Rawalpindi	17 —	17 —	29 —	27 —	...	...	8 4	8 4	23 —	23 —	22 —	23 —
Haridwar	15 8	15 —	24 8	24 —	...	...	9 8	8 8	10 —	19 —	16 —	16 —
Dehra Dun	18 —	17 —	32 —	30 —	...	...	9 9	9 4	29 —	28 —	19 —	18 —
Kohat	15 15	15 7	24 14	26 12	...	...	11 8	10 8	...	...	21 11	21 1
Bannu	21 12	19 4	26 4	24 11	...	...	13 12	10 —	17 8	16 4	23 12	21 9
Western—												
Shikhar	20 8	20 4	28 —	30 —	...	...	8 —	7 8	20 —	18 —	23 —	22 —
Jhang	18 4	18 —	26 8	26 8	...	...	9 4	7 11	27 —	27 —	24 —	20 —
Multan	15 12	16 —	23 —	23 4	...	...	15 —	15 —	24 —	24 —	20 —	19 —
Montgomery	18 4	18 —	27 —	28 —	...	...	7 —	9 —	...	...	...	...
Dera Ismael Khan	14 6	14 6	23 8	22 —	...	...	7 4	7 4	21 4	20 —	18 12	20 —
Musafergarh	18 —	18 —	25 —	24 —	...	...	13 —	13 —	16 —	19 —	22 8	22 —
Dera Ghazi Khan	16 9	16 9	26 4	26 4	...	...	12 8	12 8	22 8	22 8	22 2	22 8
Sind and Baluchistan—												
Karachi	13 —	13 —	...	...	8 —	8 —	10 —	10 —	18 —	18 —	15 —	15 —
Hyderabad	13 —	12 —	...	...	8 —	7 —	14 —	8 —	20 —	18 —	13 —	16 —
Thar and Parkar (Umarkot)	13 —	13 —	...	...	12 —	13 —	13 —	14 —	18 —	18 —	17 8	17 —
Shikhar	15 —	15 —	...	...	9 —	9 —	10 —	10 —	22 —	23 —	20 —	19 —
Upper Sind Frontier	13 8	13 8	...	...	9 —	9 —	10 —	10 —	24 —	23 —	23 —	21 —
Quetta	13 14	14 to 15	16 8	16 8	4 —	4 —	8 —	8 —	17 —	17 —	16 —	16 —
Bombay—												
Konkan—												
Karwar	6 7	6 7	...	...	11 4	12 2	12 12	12 6	11 6	11 6	10 8	9 12
Batmalga	6 12	7 7	...	...	8 —	8 —	10 11	10 11	...	...	10 10	10 10
Alibag	7 10	7 10	...	...	8 1	8 1	9 —	9 —	...	...	10 15	10 15
Bombay	7 2	6 13	...	...	6 11	6 11	9 2	9 2	12 4	12 4	11 15	11 15
Tanna	7 5	7 5	...	...	9 4	9 4	10 3	10 8	...	...	12 10	12 10
Deccan—												
Dhargur	9 1	7 11	...	...	9 15	9 7	10 14	10 6	15 10	16 9	13 12	13 12
Belgaum	8 2	8 2	...	...	10 8	10 8	11 —	11 —	14 8	14 8	12 11	12 11
Satara	9 1	9 1	...	...	9 8	8 14	10 2	10 2	14 2	12 11	10 10	15 4
Sholapur	9 12	9 12	...	...	7 10	7 10	9 12	9 12	16 2	14 5	17 14	15 8
Bijapur	10 10	10 10	...	...	7 15	7 15	10 15	10 15	14 11	14 11	15 12	15 5
Poona	7 11	7 11	...	...	8 8	8 8	9 —	9 —	13 10	13 10	12 10	12 10
Marathas—												
Ahmadnagar	8 11	8 —	...	...	7 6	7 6	9 1	9 1	12 6	12 6	14 10	12 7
Nasik	8 6	8 6	...	...	6 9	6 9	9 12	9 12	12 12	12 2	12 10	11 9
Dhule	9 3	9 3	...	...	7 8	7 8	9 8	9 8	14 —	14 —	13 9	12 11
Gujarat—												
Surat	6 11	6 11	...	...	6 8	6 8	10 3	9 11	13 14	12 8	13 14	12 15
Broach	10 —	10 —	...	...	7 8	7 8	10 —	10 —	14 8	14 —	14 8	14 —
Kaira	8 —	8 —	...	...	8 8	7 8	9 —	9 —	16 —	15 —	14 8	13 4
Baroda	9 —	9 —	...	...	8 —	8 —	9 —	9 —	14 8	14 8	12 8	12 8
Ahmadabad	11 —	11 —	...	...	8 —	9 —	10 —	10 —	15 —	14 —	15 —	14 —
Godhra	10 —	10 —	...	...	7 —	7 —	10 —	10 —	...	...	14 —	14 —
Dasa	12 8	12 —	...	...	7 —	7 —	9 8	9 8	13 —	13 —	12 12	12 8
Madhya Pradesh—												
Majkot	11 7	11 1	...	...	5 15	5 15	10 —	10 —	13 5	13 5	12 5	12 13
Central Provinces—												
Eastern—												
Nimar	10 10	10 10	...	...	5 13	5 13	9 2	9 2	14 12	13 11	...	...
Khandwa	9 8	9 8	...	...	6 4	6 8	8 8	8 —	13 —	13 —	...	...
Boshangabad	11 4	10 8	...	...	6 2	6 2	9 5	9 5	18 7	13 10	...	...
Betul	13 4	13 4	...	...	6 6	6 6	9 10	8 8	18 1	18 14	...	...
Jhindwara	12 10	14 8	...	...	8 —	8 —	8 13	10 —	18 —	13 —	...	...
Nagpur	10 10	10 10	...	...	8 2	8 2	10 15	10 15	17 4	16 1	...	...
Wardha	9 6	9 6	...	...	5 —	5 —	8 15	8 14	22 14	17 13	...	...

RETAIL PRICES FOR THE SECOND HALF OF OCTOBER 1901—concluded (The figures

Districts.	WHEAT		BARLEY		RICE				JAWAR OR CHOLU (Andropogon sorghum)		BAJRA OR CUMRU (Pennisetum typhoides)	
	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Best sort		Common		Half-month of report	Previous half-month	Half-month of report	Previous half-month
					Half-month of report	Previous half-month	Half-month of report	Previous half-month				
Central Provinces—continued												
Central—												
Narsinghpur	12 13	11 5	...	...	5 13	5 13	8 —	8 —	...	...	...	...
Saugor	11 12	11 8	...	...	...	...	10 —	10 —	...	...	...	...
Damoh	12 —	12 —	...	...	8 —	8 —	8 15	8 14	17 —	15 —	...	...
Jubbulpore	14 —	13 8	...	...	7 —	7 8	10 8	10 8	...	...	...	...
Mandla	15 8	16 —	...	...	11 —	9 —	14 —	11 —	...	...	...	...
Seoni	16 8	15 —	...	...	6 —	6 —	16 —	12 —	...	...	...	...
Balaghat	10 —	10 —	...	...	8 —	7 8	15 —	13 —	...	...	...	...
Bhandara	10 —	10 —	...	...	8 12	8 12	10 —	10 —	...	...	...	...
Chanda	9 12	9 12	...	...	...	...	10 9	8 13	16 4	16 4	...	...
Eastern—												
Bilaspur	12 13	14 3	...	...	8 —	8 —	12 13	11 10	...	...	...	...
Raipur	12 8	12 —	...	...	8 —	7 —	12 —	11 4	...	...	...	...
Sambalpur	11 6	11 —	...	...	8 8	8 8	12 8	12 8	...	...	...	...
Berar—												
Buldana	8 —	7 —	...	...	6 —	6 —	8 —	8 —	17 —	16 —	15 8	15 —
Basim	8 4	8 10	...	...	5 9	5 10	8 5	8 —	17 15	16 15	...	...
Akola	8 —	7 —	...	...	5 —	5 —	9 9	9 9	21 4	15 8	19 —	13 11
Bilichpur	7 8	7 8	...	...	5 —	5 —	6 —	6 —	17 —	15 8	15 —	15 —
Amraoti	10 —	9 8	...	...	6 —	5 —	11 —	9 —	26 —	20 —	22 —	15 —
Wun	8 8	8 8	...	...	6 —	6 —	9 —	9 —	22 8	21 —	12 —	12 —
Nizam's Territories—												
Secunderabad	6 2	6 7	10 11	10 6	4 11	4 10	8 10	9 —	12 2	11 11	14 9	14 5
Bolaram	7 4	7 4	...	...	5 6	5 6	10 2	10 1	14 6	14 4	...	...
Chadarghat	5 13	5 14	...	...	4 11	4 14	7 1	7 2	11 12	11 14	15 4	15 7
Madras—												
Malabar Coast—												
Malabar . . . . .	...	...	...	...	...	...	8 11	8 14	...	...	...	...
S. Canara . . . . .	...	...	...	...	...	...	11 5	11 5	...	...	...	...
South, central—												
Coimbatore . . . . .	...	...	...	...	...	...	9 2	9 2	16 8	16 —	17 8	17 8
Nilgiris . . . . .	...	...	...	...	...	...	7 8	7 5	...	...	...	...
Salem . . . . .	...	...	...	...	...	...	8 8	8 8	14 10	14 2	13 2	11 14
Central—												
Bellary . . . . .	...	...	...	...	...	...	8 10	8 10	12 6	12 6	...	...
Anantapur . . . . .	...	...	...	...	...	...	8 2	8 2	14 6	14 6	...	...
Cuddapah . . . . .	...	...	...	...	...	...	8 11	8 11	13 13	13 2	15 3	14 2
Kanul . . . . .	...	...	...	...	...	...	10 2	10 2	16 13	16 13	...	...
East Coast, north—												
Gunjur . . . . .	...	...	...	...	...	...	9 10	8 13	...	...	...	...
Visagapatnam . . . . .	...	...	...	...	...	...	8 8	8 8	...	...	19 13	19 13
Godavari . . . . .	...	...	...	...	...	...	9 —	9 8	16 5	17 5	...	...
East Coast, central—												
Kistna . . . . .	...	...	...	...	...	...	9 14	9 14	12 10	12 10	...	...
Nellore . . . . .	...	...	...	...	...	...	10 10	10 10	14 6	14 6	13 6	14 2
East Coast, south—												
Madras . . . . .	...	...	...	...	...	...	8 2	8 2	...	...	...	...
Chingleput . . . . .	...	...	...	...	...	...	8 5	8 5	...	...	...	...
N. Arcot . . . . .	...	...	...	...	...	...	9 6	8 14	...	...	...	...
S. Arcot . . . . .	...	...	...	...	...	...	10 8	10 8	...	...	20 2	20 2
Tanjore . . . . .	...	...	...	...	...	...	11 5	11 5	...	...	23 8	21 11
Trichinopoly . . . . .	...	...	...	...	...	...	7 14	7 14	12 3	11 3	13 14	12 11
Southern—												
Tinnevely . . . . .	...	...	...	...	...	...	10 10	10 2	15 11	16 6	12 11	13 2
Madura . . . . .	...	...	...	...	...	...	9 5	9 5	13 13	13 13	13 3	13 3
Mysoor—												
Mysoor	6 2	6 2	...	...	8 —	8 —	9 —	9 —	18 2	18 2	...	...
Bangalore	8 3 ¹	8 8	...	...	7 12	7 12	8 5 ¹	8 5 ¹	...	...	...	...
Kolar	7 —	7 —	7 —	7 —	6 —	6 —	7 —	7 —	...	...	...	...
Tumkur	6 —	6 —	7 —	6 —	7 —	7 —	7 8	7 8	14 —	12 —	...	...
Channarayana	7 —	7 —	7 —	7 —	8 —	9 —	9 —	10 —	...	...	...	...
Kaour	6 —	6 —	7 —	7 —	8 —	8 —	9 —	9 —	16 —	16 —	...	...
Shimoga	7 3	6 15	7 14	8 2	8 6	8 6	11 9	11 9	18 14	18 14	...	...
Chitaldrug	7 —	7 —	8 —	8 —	7 —	7 —	5 —	8 —	16 —	16 —	14 —	14 —
Coorg—												
Coorg	6 —	6 8	6 —	7 8	9 —	8 —	12 8	12 —	...	...	...	...
Aden												
Aden	7 —	7 —	...	...	6 2	6 2	7 —	7 —	14 —	14 —	12 4	12 4

(State the number of sers (of 80 tolas) and chittanaka sold for one rupee)

MARUA OR RAGI (<i>Eleusine coracana</i>)		KANGNI OR KAKUJI, ITALIAN MILLET (<i>Setaria italica</i>)		GRAM, CHENNA, CHOLA, KADALAY, OR SUMAGA (<i>Oryza aristinum</i>)		MAIZE (<i>Zea Mays</i>)		ARAB OR THUR, OAJAN PEA (<i>Cajanus indicus</i>)		SALT		DISTRICTS
Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	
...	12 13	11 5	10 11	10 11	9 2	9 2	Central Provinces—continued <i>Central—</i> Narsinghpur Sagar Dumoh Jubbulpore Mandla Soni Bilaghāt Bhandara Chanda
...	...	...	...	15 —	14 8	...	...	11 —	11 —	10 8	10 —
...	...	...	...	17 8	15 —	...	...	10 12	10 12	9 2	9 2
...	...	...	...	15 —	14 —	...	...	11 —	11 —	10 —	10 —
...	...	...	...	17 —	17 —	...	...	10 —	10 —	9 —	9 —
...	...	...	...	12 —	12 —	...	...	9 —	8 —	9 8	9 8
...	...	...	...	10 —	10 —	...	...	7 8	7 8	8 —	8 —
...	...	...	...	13 12	13 12	...	...	7 8	7 8	9 4	9 4
...	...	...	...	9 6	12 —	...	...	8 7	8 7	9 —	9 —
...	...	...	...	14 3	14 3	...	...	9 2	9 2	9 2	9 2
...	...	...	...	12 8	12 —	...	...	9 8	9 —	9 8	9 —
...	6 8	6 8	10 —	10 —	Eastern— Bilaspur Raipur Sambalpur
...	...	...	...	10 —	12 —	...	...	8 —	7 8	9 —	9 —
...	...	...	...	11 6	11 9	...	...	8 —	8 —	10 —	10 —
...	12 —	10 10	8 —	7 —	12 —	12 —	Berar— Buldana Basim Akola Ellichpur Amratoti Wan
...	...	...	...	9 —	9 —	15 —	16 —	8 —	8 —	9 —	9 —
...	...	...	...	12 —	12 —	...	...	10 —	8 8	11 —	11 —
...	...	...	...	10 12	10 8	...	...	8 8	8 —	10 —	10 —
14 9	14 5	10 8	10 2	12 —	11 15	8 15	8 13		Nizam's Territories— Secunderabad Nolam Chadarghat
...	...	...	...	10 13	10 12	...	...	...	...	9 4	9 4
...	...	...	...	11 3	10 11	...	...	7 —	7 2	8 3	8 5
...	12 —	12 —	Madras— <i>Malabar Coast—</i> Malabar S. Canara
...	...	...	...	...	...	...	...	...	...	11 14	11 3
16 6	16 6	11 2	11 2		South, central— Chimbatore Nilgiris Salem
14 8	14 8	...	...	...	...	...	...	...	...	10 10	10 10
...	...	...	...	...	...	...	...	...	...	10 14	10 14
15 —	15 —	12 10	12 10	<i>Central—</i> Bellary
16 8	15 8	...	...	...	...	...	...	...	...	11 8	11 8
14 10	14 10	...	...	...	...	...	...	...	...	12 3	12 3
14 3	14 3	10 11	10 11	Anantapur Chittoor Karnul
14 3	14 4	...	...	...	...	...	...	...	...	9 11	9 11
15 14	15 14	...	...	...	...	...	...	...	...	13 3	13 3
18 3	14 3	12 2	12 10	Vizagapatam Godavari
15 10	15 10	...	...	...	...	...	...	...	...	13 3	13 3
14 6	14 6	...	...	...	...	...	...	...	...	12 13	12 13
18 8	13 8	13 5	13 5	<i>East Coast, central—</i> Kistna Nellore
12 5	12 5	...	...	...	...	...	...	...	...	13 5	13 5
12 13	12 6	...	...	...	...	...	...	...	...	11 10	11 10
15 14	15 14	...	...	...	...	...	...	...	...	13 3	13 3
18 14	19 10	...	...	...	...	...	...	...	...	13 5	13 5
15 11	15 11	...	...	...	...	...	...	...	...	10 14	10 14
16 6	16 6	...	...	...	...	...	...	...	...	13 13	14 5
16 5	15 8	...	...	...	...	...	...	...	...	10 2	13 2
16 2	16 2	10 1	10 1	6 7	6 7	11 —	11 —	Southern— Tinnevely Madura
14 8	13 —	...	...	9 15	9 7	...	...	6 4	5 12	11 13	12 10
12 —	12 —	...	...	10 —	10 —	...	...	6 —	6 —	10 —	10 —
15 —	16 —	...	...	8 —	7 8	...	...	6 —	5 8	10 —	10 —
16 —	16 —	...	...	9 —	10 —	...	...	6 4	6 10	9 —	9 —
16 —	16 —	...	...	7 —	7 —	...	...	6 —	6 —	9 —	9 —
19 7	21 —	...	...	10 8	10 8	...	...	7 14	7 14	10 8	10 8
18 —	17 —	20 —	20 —	8 —	7 —	...	...	6 —	6 —	9 —	9 —
19 —	18 —	...	...	11 8	11 —	...	...	6 —	5 8	9 8	10 —
...	...	...	...	9 3	9 3	...	...	7 —	7 —	32 —	32 —
...	Aden

J. A. ROBERTSON

Offg. Director-General of Statistics

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
RAILWAY STATISTICS.

STATEMENT OF APPROXIMATE GROSS EARNINGS OF INDIAN RAILWAYS.

N.B.—As regards the figures in column *Total earnings*, audited figures have been used as far as possible.

RESULTS OF WORKING DURING 2ND-HALF OF YEAR.																RESULTS OF WORKING FOR OFFICIAL YEAR.					
AVERAGE EARNINGS PER MILE PER WEEK.				Mean mileage worked.				Total earnings for week ending		Earnings per mile open for week.		Total earnings from 1st July to				Total earnings from 1st April to		Increase.	Decrease.		
During 2nd-half of 1900.		During official year 1900-01.		1900.		1901.		24th November 1900.		23rd November 1901.		1900.		1901.		24th November 1900.		23rd November 1901.		R	R
R	Rs	Miles.	Miles.	R	Rs	R	Rs	R	Rs	R	Rs	R	Rs	R	Rs	R	Rs	R	Rs	R	Rs
State and Guaranteed Railways.																					
East Indian																					
667	669	1,873	1,873	13,553,317	14,210,000	723	739	2,633,343,06	2,815,000,000	18,15,594	15,590	4,36,51,599	4,61,78,000	25,26,391
201	188	139	139	31,129	28,200	224	203	6,26,410	6,36,000	15,590	15,590	9,30,533	9,63,000	32,467
148	174	1,566	1,567	2,48,834	2,55,200	159	159	44,00,353	41,64,000	87,77,121	75,48,000	12,29,121	...
North Indian Peninsula system																					
392	472	1,561	1,561	8,06,425	7,62,000	517	488	1,01,09,804	1,09,83,000	7,83,496	...	1,98,06,876	2,34,64,000	36,57,124	5,65,370	...
181	215	868	872	1,75,548	1,13,000	202	130	29,36,456	26,23,000	5,29,370	52,64,000	57,954	...
316	316	21	21	6,304	4,700	330	224	1,23,103	94,500	2,27,954	1,70,000
North-Western (inclg. Nowshera-Dargai 2' 6")																					
189	196	3,079	3,128	6,42,379	8,24,000	209	263	1,18,48,194	1,63,03,000	45,44,806	...	1,96,75,478	2,76,05,000	79,39,522
189	209	1,046	1,115	2,16,130	2,13,000	207	218	38,32,967	47,64,000	9,41,033	...	70,27,544	85,01,000	14,73,456
450	390	843	854	4,72,672	3,78,000	561	466	78,31,799	72,80,000	1,12,87,297	1,05,99,000	6,88,297	...
North-East line (a)																					
632	695	461	461	2,94,677	2,81,000	639	610	55,43,171	46,99,000	1,07,94,727	1,01,10,000	6,84,727	...
253	259	844	874	2,26,378	2,21,000	269	250	43,58,753	43,95,000	39,247	...	72,26,084	72,55,000	28,916
142	152	493	508	88,506	96,000	180	189	1,50,778	1,75,1,000	3,83,222	...	22,84,592	29,46,000	6,61,408
111	114	32	32	4,329	4,500	135	141	71,671	81,800	10,129	...	1,21,586	1,41,000	19,414
North-Western (inclg. Godhra-Rutlam-Nagdā 5' 6")																					
262	295	1,786	1,786	5,47,658	4,31,000	307	241	91,01,728	91,05,000	3,272	...	1,74,86,888	1,77,02,000	2,15,112
46	46	17	17	722	800	42	47	11,316	10,000	23,953	22,400
165	169	1,034	1,034	1,47,251	1,04,000	142	168	34,32,477	39,59,000	5,23,523	...	57,71,018	66,34,000	8,62,982
North-Western (inclg. Godhra-Rutlam-Nagdā 5' 6")																					
86	86	54	54	3,925	5,800	73	107	96,155	1,17,000	20,545	...	1,57,598	1,98,000	40,402
102	113	1,165	1,165	1,20,817	1,04,000	104	89	240,510	216,800	444,312	39,70,000
85	94	296	296	24,129	30,900	82	104	5,09,670	5,64,000	54,330	...	9,44,798	9,20,000
113	136	1,162	1,251	1,50,350	1,76,000	129	141	25,40,142	31,81,000	6,40,853	...	50,16,967	61,28,000	11,11,933
103	118	200	200	18,153	22,200	91	111	3,80,983	4,24,000	4,017	...	7,35,344	8,41,000	86,696
74	74	436	588	39,954	43,600	92	74	6,03,416	7,06,000	1,02,504	...	10,61,412	13,00,000	2,38,588
North-Western (inclg. Tirhoot sec.)																					
North-Western (inclg. Tirhoot sec.)																					
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North-Western (inclg. Tirhoot																					

	104	115	79	79	7,100	95	90	1,77,377	2,15,000	37,623	...	3,05,384	7,000
Behar	68	81	435	425	33,500	55	79	5,05,070	7,90,000	2,83,910	...	10,18,084	40,000	5,91,916	...
ern Punjab (Delhi-Samasat)	116	123	107	107	14,500	96	130	1,90,819	2,74,000	77,181	...	4,35,475	1,38,000	1,37,353	...
ra-Bhatinda	...	...	...	80	2,800	...	33	...	70,900	76,900	...	...	...	1,38,000	...
ana-Dhuri-Jakhal	...	...	...	...	...	...	...	...	...	...	...	...	24,63,000	5,08,345	...
Uzam's Guaranteed State	249	268	334	334	84,400	265	253	16,74,708	13,77,000	...	2,97,708	3,06,345	314,000	84,000	...
Valley	64	79	156	155	11,500	62	72	1,84,578	1,81,000	...	3,578	3,08,603	74,200	21,799	...
il-Cambay	129	131	13	33	1,335	103	55	26,567	38,300	11,713	...	50,401	...	...	...
4-Ujjain	89	103	34	34	1,500	112	44	50,265	30,900	...	28,565	1,32,635	71,300	61,335	...
Goona-Badrn	44	53	148	148	3,100	35	21	1,34,801	83,300	...	51,003	3,11,918	1,63,000	1,48,918	...
al-Ujjain	102	133	114	114	4,500	53	40	2,31,009	1,63,000	...	71,609	5,42,362	3,26,000	2,16,362	...
-Gold-fields	450	436	10	10	4,600	514	400	94,461	94,100	...	361	1,44,430	1,41,000	3,450	...
...
...	126	126	66	66	9,400	94	142	1,80,551	2,01,000	20,439	...	2,94,711	3,46,000	51,289	...
...	27	30	18	18	600	37	33	6,758	12,800	6,042	...	14,895	23,000	8,104	...
...	60	60	53	53	4,300	63	81	64,033	68,000	3,917	...	1,00,372	1,01,000	638	...
...	220	178	36	36	6,800	221	189	1,66,446	1,38,000	...	28,446	2,31,673	1,06,000	35,673	...
...	16	14	66	75	5,900	14	79	9,794	1,13,000	1,03,206	...	(c) 1,02,13	1,43,000	1,32,787	...
...	218	226	78	78	17,300	193	222	3,53,669	3,93,000	33,331	...	5,98,432	6,61,000	62,568	...
...	212	240	17	17	3,400	47	200	56,646	84,100	27,454	...	1,18,944	1,57,000	38,056	...
...	78	85	55	55	2,600	70	47	82,175	48,500	...	33,675	1,62,452	1,02,000	66,252	...
...	84	89	93	93	4,900	98	53	1,29,062	1,06,000	...	23,062	2,41,579	2,32,000	9,579	...
...	73	87	29	29	1,800	72	62	48,536	38,800	...	9,736	88,406	76,000	12,206	...
...	57	66	67	67	4,300	47	64	81,500	89,200	7,700	...	1,51,961	1,47,000	4,961	...
...	30	31	30	30	1,700	19	45	23,546	23,700	154	...	41,904	39,200	2,704	...
...	73	75	386	392	35,200	101	91	4,31,676	6,42,000	2,10,324	...	6,65,051	12,82,000	6,16,949	...
...	88	102	334	334	36,500	109	91	5,09,139	4,34,000	...	1,62,139	11,93,865	9,32,000	2,61,865	...
...	77	84	46	40	4,800	86	104	74,082	55,800	...	18,882	1,32,479	1,04,000	28,479	...
...	45	54	54	54	2,200	44	41	46,633	44,800	...	1,833	98,475	82,400	16,075	...
...	43	48	21	21	700	76	33	16,210	12,000	...	4,210	32,411	28,000	4,411	...
...	55	64	470	612	46,000	60	75	5,41,521	6,84,000	1,42,479	...	11,39,732	11,15,000	24,732	...
...	69	76	67	67	3,800	71	57	96,921	79,000	...	17,321	1,86,384	1,32,000	48,384	...
...
...	286	294	51	51	17,000	336	353	2,90,630	3,04,000	4,370	...	5,50,229	5,26,000	24,229	...
...	55	57	34	34	2,300	51	68	37,673	41,000	4,225	...	60,607	93,300	32,603	...
...	52	58	79	79	5,300	39	67	65,547	68,500	2,953	...	1,39,650	1,60,000	20,350	...
...	20	24	37	37	800	16	21	15,031	12,100	...	2,931	30,138	29,100	1,038	...
...	79	85	94	94	7,900	82	84	1,40,562	1,14,000	...	35,562	2,72,859	2,24,000	48,859	...
...	79	172	21	21	2,700	106	129	31,306	36,200	4,804	...	67,690	91,600	23,910	...
TOTAL	100	110	3,920	4,170	4,32,500	102	104	75,31,436	80,44,000	5,12,744	...	1,41,33,732	1,45,62,300	5,28,518	...
GRAND TOTAL	232	249	24,101	24,997	63,28,100	260	253	11,04,51,613	11,87,02,100	82,50,487	...	19,42,12,648	21,04,36,100	1,62,23,452	...

(a) Earnings of the East Coast State Railway have been added in proportion to the mileage transferred.

(b) From 10th April to 23rd November, 1901.

(c) From 20th April to 24th November, 1900.

N. PRIESTLEY,
Offg. Under Secretary to the Govt. of India.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 50. } CALCUTTA, SATURDAY, DECEMBER 14, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART I.

Government of India Notifications, Appointments, Promotions, etc.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Calcutta, the 13th December 1901.

No. 6296.—In exercise of the power conferred by section 7 of the Indian Explosives Act, 1884 (IV of 1884), the Governor General in Council is pleased to make the following rule in supersession of the rule published with Home Department Notification No. 650, dated the 23rd March 1899, and modified by Home Department Notification No. 138, dated the 27th March 1900, namely :—

Rule.

“The Chief Inspector or Inspector of Explosives with the Government of India may, subject to the provisions of the Indian Arms Act, 1878 (XI of 1878), and of any rule thereunder in cases to which that Act applies, in any part of British India,—

- (a) enter, inspect and examine any place, carriage or vessel in which an explosive is being manufactured, possessed, used, sold, transported

(1007)

1 A

- (b) search for explosives therein ;
- (c) take samples of any explosives found therein on payment of the value thereof ; and
- (d) seize, detain, remove and, if necessary, destroy or otherwise render harmless any explosive found therein in respect of which he has reason to believe that the provisions of the said Act, or of the rules under that Act have been contravened :

(2) The said Chief Inspector or Inspector of Explosives shall not destroy or otherwise render harmless any such explosive material without the previous sanction of the District Magistrate, unless he may deem it to him urgent and fraught with serious public danger; and in such cases he shall take and keep a sample of the explosive, and shall, if required, give a portion of the sample to the person owning the explosive or having the same under his control at the time of seizure, and shall report the circumstances to the District Magistrate."

No. 6314.—In exercise of the powers conferred on the Council it is pleased to direct

No. 5514.—In exercise of the powers conferred by the Arms Act, 1878 (XI of 1878), the Governor General has pleased to direct that the following clause be substituted for clause 10 of the conditions printed on the back of Forms VI and VII of the licenses prescribed by the Notification No. 518, dated the 6th March 1879, as annexed, in the following Department, namely :—

Explanation.—A "Government arm" is a fire-arm or other weapon which is the property of the Government.

“Government ammunition” is ammunition manufactured in any Government factory, which is prepared for and supplied to the Government.

MEDICAL.

The 12th December 1901.

No. 1736.—The services of Captain Chintaman Ramchandra Bakhle, I.M.S. (Bombay), are placed temporarily at the disposal of the Government of Bombay.

No. 1741.—The services of Captain J. H. Hugo, M.B., D.S.O., I.M.S., are placed temporarily at the disposal of the Government of Bengal.

The 13th December 1901.

No. 1743.—The services of Captain G. A. Trent, 1st Battalion, Northamptonshire Regiment, are replaced at the disposal of the Military Department.

No. 1744.—The services of Captain J. N. Jephson, 5th Bengal Infantry, are placed temporarily at the disposal of the Government of the North-Western Provinces and Oudh, for employment on plague duty.

SANITARY.
PLAGUE.

The 13th December 1901.

No. 2292.—The following Notices of the Board of Trade are published for general information :—

(F. & H. 16535.)

Board of Trade (Fisheries and Harbour Department), London, November 15, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of a Despatch from His Majesty's Representative at Paris, intimating that no case of plague has been reported at Nouméa since the 7th October last.

(F. & H. 16581.)

Board of Trade (Fisheries and Harbour Department), London, November 15, 1901.

The Board of Trade have received, through the Secretary of State for the Colonies, a copy of the following Notice issued by the Governor of Malta :—

Government Notice. No. 277.

His Excellency the Governor, having heard the opinion of the Council of Health, has been pleased to modify Government Notice No. 244 of the 26th September 1901, and to direct that the following Regulations be observed, *vis.* :—

A. Medical Inspection.

1. All vessels and passengers shall, on arrival, undergo strict medical inspection.

B. Vessels without a clean Bill of Health.

2. Vessels arriving from any port without a clean bill of health, unless otherwise provided for in these Regulations, are allowed to enter the quarantine harbour to load under quarantine restrictions.

3. The vessels referred to in the preceding paragraph will be admitted to free pratique when they have been admitted to free pratique at an intermediate port and disinfected there to the satisfaction of the Port Authorities at Malta, or when ten days have elapsed from date of departure.

C. Infected Vessels.

4. Vessels which have, or have had, on board, during the voyage or the preceding 21 days, cases of cholera, yellow fever, plague, or any disease with symptoms which, in the opinion of the Chief Government Medical Officer, resemble the symptoms of the said diseases, are not allowed to enter the harbour, but may be allowed to communicate with quarantine establishments.

5. Whenever such vessels carry a recognized medical practitioner and have not actually on board a case of the diseases mentioned in the preceding paragraph, they are allowed to enter the quarantine harbour only to load under quarantine restrictions.

D. Vessels from infected Countries or Ports.

6. Vessels with pilgrims from the East are not allowed to enter the harbour, but are allowed to communicate with quarantine establishments.

7. When such vessels carry a recognized medical practitioner and have not actually on board a case of the diseases mentioned in paragraph 4, they will be allowed to enter the quarantine harbour only to load under quarantine restrictions.

8. Vessels without clean bill of health arriving from ports in the Persian Gulf or from Chinese, Indian or Arabian ports, which have not been admitted to free pratique at Suez or at Port Said, are not allowed to enter the harbour, but are allowed to communicate with quarantine establishments.

9. When such vessels carry a recognized medical practitioner and have not actually on board a case of the diseases mentioned in paragraph 4, they will be allowed to enter the quarantine harbour to load under quarantine restrictions.

10. When the vessels mentioned in paragraph 8 have been admitted to free pratique at Suez or Port Said, they will be admitted to free pratique at Malta.

11. Vessels arriving from Egyptian ports, from the ports in the Sea of Marmora and the Bosphorus, from Smyrna or Salonica, are allowed to enter the harbour to load under quarantine restrictions, unless ten days have elapsed from date of departure, in which case they will be admitted to free pratique.

12. The restrictions imposed in the preceding paragraph shall remain in force until 20 days have elapsed from the last case of plague, cholera, or similar disease reported officially, and the removal of such restrictions will be made known to the public by a notice published by the Collector of Customs.

E. Passengers.

13. Passengers arriving at Malta, unless otherwise provided for in these regulations, shall be subject to the restrictions which are applicable, for the time being, to the vessels on which they arrive.

14. Passengers arriving at Malta shall, before being allowed to land, declare on oath before an Inspector of Marine Police or other Superior Officer that they have not been in Egypt, Constantinople, Smyrna, or Salonica within 10 days; whenever they do not make this declaration on oath, they shall undergo quarantine for 10 days.

15. Passengers arriving on vessels without a clean bill of health shall be allowed to land at the lazaretto, to undergo quarantine for a period of 10 days.

16. Passengers arriving from ports in the Persian Gulf or from Chinese, Indian and Arabian ports shall be dealt with as follows:—

- (a) If the vessel by which they have arrived carry a recognized medical practitioner, they shall be permitted to land in free pratique; but their luggage shall not be released before disinfection in one of the quarantine establishments.
- (b) If the vessel does not carry a recognized medical practitioner, they shall be permitted to land in one of the quarantine establishments, where they are to be subjected to strict medical inspection until their clothing and all other articles of personal use likely to retain infection, as well as their luggage, shall have been thoroughly disinfected.

F. Goods.

17. The importation is prohibited of—

- (a) Coffee, in beans or ground, coloured with substances injurious to health;
- (b) Rags;
- (c) Susceptible goods which do not admit of being disinfected arriving on board the vessels referred to in sections B, C and D;
- (d) Hides from any port subject to quarantine, or from any place in which cattle disease exists;
- (e) Vines, vine shoots, and fruit packed in vine leaves;
- (f) Hoofs and hair, raw silk, wool, and human hair, skins raw, fresh, or untanned, when such articles arrive from infected ports.
- (g) Cotton seed arriving from countries in which anthrax is epidemic.

18. The importation is prohibited, unless the goods be accompanied by a satisfactory certificate from the British Consular Authority that *Phylloxera* is not known to exist in the place of origin, of—

Plants or roots from any port in the Mediterranean.

19. The importation is allowed, after disinfection, of—

- (a) Wearing apparel, soiled linen and clothing, articles of bedding, feathers, bones, and jute goods, whatever be the port whence such articles may have arrived.

- (b) Used sacks, carpets and embroideries which have been used, when, such articles arrived from infected ports.
- (c) Goods which admit of being disinfected, or are not susceptible to infection, arriving on the vessels referred to in paragraphs 2, 3, and 11.

20. Cereals imported from infected ports are to be kept for 21 days at the lazaretto or any other place to be appointed by the Collector of Customs to be aired under the direction of the Quarantine Authorities.

By command,
G. STRICKLAND,
Chief Secretary to Government.

Palace, Valletta, November 7, 1901.

N.B.—The quarantine restrictions against arrivals from Scio have been removed.

(F. & H. 16611.)

Board of Trade (Fisheries and Harbour Department), London, November 16, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of a Despatch, dated 11th November, from His Majesty's Representative at Sofia, intimating that goods from an infected locality, or borne in a vessel which has called at an infected port during the voyage, must, before being admitted into Bulgaria, have left the infected locality or port more than 25 days; the ship must have called during the voyage at a non-infected port, and have obtained a clean bill of health there, and she must not afterwards have called at an infected port; the usual certificates must be produced proving that the above conditions have been fulfilled; and there must be no sickness on board. This regulation does away with the necessity, hitherto existing, of transshipping goods from an infected port at an intermediate non-infected port.

No. 2293.—The following telegram is published for general information:—

Dated Pera, the 9th December 1901.

From—His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at Constantinople,

To—His Excellency the Viceroy.

Clean bill of health issued Constantinople.

PORT BLAIR.

The 12th December 1901.

No. 684.—Captain F. C. Rampini, Executive Supply and Transport Officer, Port Blair, is appointed to be an Assistant Superintendent in the Settlement so long as he holds his present office or until further orders.

POLICE.

The 12th December 1901.

No. 901.—In exercise of the powers conferred by section 2, sub-sections (1) and (2), of the Police Act, 1888 (III of 1888), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that all the lands for the time being occupied by the Bhatinda-Ferozepore section and the Kotkapura-Fazilka Branch of the Rajputana-Malwa Railway, including all lands occupied by stations, out-buildings and for other railway purposes, shall cease to be embraced in the General Police District under the administration of the Government of Bombay, created by Home Department Notification No. 83, dated the 11th February 1898, and shall henceforth be embraced in the General Police District under the administration of the Government of the Punjab, created by Home Department Notification No. 336, dated the 15th June 1892.

ECCLESIASTICAL.

The 10th December 1901.

No. 555.—The services of the Reverend C. H. Barlow, a Chaplain on the Bengal (Calcutta) Ecclesiastical Establishment, are placed at the disposal of the Government of Bengal, with effect from the 7th December 1901, or the subsequent date on which he reports his return to duty.

The 13th December 1901.

No. 560.—The services of the Reverend J. Low, Chaplain of Dagshai, are replaced at the disposal of the Government of Burma.

J. P. HEWETT,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATIONS.

LAND SURVEYS.

Calcutta, the 6th December, 1901.

No. 2537.—Lieutenant E. A. Tandy, R.E., Officiating Deputy Superintendent, 2nd grade, Survey of India Department, is granted an extension of six days' leave in continuation of that granted in Notification No. 717—52-2, dated the 4th April, 1900.

FORESTS.

The 12th December, 1901.

No. 1264F.—120-7.—The following transfers are ordered in the interests of the public service :—

- (i) Mr. R. L. Heinig, Deputy Conservator, 1st grade, from the Andamans to Bengal.
- (ii) Mr. C. G. Rogers, Deputy Conservator, 2nd grade, from Bengal to the Andamans.

J. B. FULLER,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Fort William, the 11th December, 1901.

No. 4417-I.A.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of the Indian Lunatic Asylums Act, 1858 (XXXVI of 1858), as amended by subsequent enactments, to the cantonment of Baroda, subject to the modification that for section 17A of the said Act, the following shall be substituted, namely :—

"The Governor General in Council may from time to time appoint an asylum in British India to be the asylum to which any Magistrate or Judge exercising jurisdiction within the limits of the cantonment of Baroda, may send lunatics or any class of lunatics as to an asylum established under this Act for those limits."

(2) For the purposes of these provisions, the Resident at Baroda shall be deemed to be the Executive Government.

(3) For the purpose of facilitating the application of these provisions in the said cantonment, any court therein may construe them with such alterations, not affecting the substance, as may be necessary or

proper to adapt them to the matter before the court.

No. 4436-I. B.—Captain D. L. Mallaby, Royal Engineers, Military Works Service, is appointed to be Inspecting Officer, Imperial Service Sappers, with effect from the 26th November, 1901.

The 12th December, 1901.

No. 4450-I. A.—The services of Major J. R. Dunlop Smith, C.I.E., Indian Staff Corps, are replaced at the disposal of the Government of the Punjab, with effect from the afternoon of the 23rd November, 1901.

No. 4452-I. A.—The services of Mr. Norman Elliot Quintin Mainwaring, a District Superintendent of Police, are replaced at the disposal of the Government of Madras.

No. 1940-G.—The services of Mr. E. Priestly, an Inspector of Police in the Bombay Presidency, are replaced at the disposal of the Home Department, with effect from the date on which he may be relieved of his duties of Assistant at Hyderabad to the General Superintendent of Operations for the Suppression of Thagi and Dakaiti.

The 13th December, 1901.

No. 1947-G.—The Governor General in Council is pleased to recognise the appointment of H. G. Maud as Acting Consul for Siam at Rangoon, during the absence of Mr. C. B. Lacey.

No. 2048-E.A.—In exercise of the powers conferred by section 17 of the Indian Arms Act, 1878 (XI of 1878), as extended to British Baluchistan, the Governor General in Council is pleased to make the following amendments in the rules published with the Notification of the Government of India in the Foreign Department, No. 1456-E., dated the 27th July 1895, namely :—

1. To Rule 2 after the words “ten rupees” the following provisos shall be inserted, namely :—

“ Provided, first, that in the case of breech-loading rifles and balled rifle ammunition the license shall not be granted without the previous sanction of the Chief Commissioner;

“ Provided also that no license for the transport of breech-loading rifles or balled rifle ammunition to a frontier district shall be granted without the previous sanction of the Local Government.”

2. To Rule 6 the following proviso shall be added, namely :—

“ Provided that no such license shall be granted for the importation of any rifles of .303 bore or of rifles of .450 or .577 bore of the Snider and Martini-Henry patterns.”

3. In Rule 9 from clause (b) the word “or” shall be omitted, and after clause (c) the following clause shall be added, namely :—

“() in the case of breech-loading rifles and balled rifle ammunition, whether the previous sanction of the Local Government or other prescribed authority has been obtained.”

4. In Rule 13 after the words “these rules” the following shall be inserted, namely :—

“ But licenses to manufacture, convert, keep or sell or keep for sale breech-loading rifles, rifle ammunition or military stores for rifles shall be granted only by the Chief Commissioner and shall be in Form V-A or VI-A. The Chief Commissioner may under this rule grant licenses to selected dealers to hold such amount of ammunition for rifles of .303 bore or rifles of .450 or .577 bore of the Snider or Martini-Henry pattern, as he may consider reasonable.”

5. After Rule 13 the following rule shall be added, namely :—

“ 13-A. Licenses for the possession of reasonable quantities of balled ammunition which can be fired from rifles of the .303 bore, or rifles of .450 or .577 bore of the Snider or Martini-Henry pattern, shall be granted by the Magistrate of the district in Form VIII appended to these rules. Such licenses may be granted on application to any person lawfully in possession for sporting purposes of a rifle of the .303 bore, or a rifle of the .450 or .577 bore of the Snider or Martini-Henry pattern, and shall state the amount of such balled ammunition which he may possess during the currency of the license. No such license shall be granted to any other person without the express sanction of the Chief Commissioner. Duly licensed dealers shall be allowed to import their balled ammunition up to the quantity stated in their licenses. Upon every license produced in support of an application for leave to import, the quantity of ammunition to import which leave was given and the date of giving it shall be endorsed by the authority by whom leave is granted.”

6. After Forms V, VI and VII, respectively, of the Forms appended to the said rules the following forms shall be added, namely :—

BREECH-LOADING RIFLES, RIFLE AMMUNITION OR MILITARY STORES FOR RIFLES.

FORM V—A.

FEE TWENTY RUPEES IN STAMPS.

License to Manufacture, Convert or Sell, or to keep for Sale, Arms, Ammunition or Military Stores in British Baluchistan.

Serial number of license.	Name and residence of license-holder.	Place of business, factory or shop.	DESCRIPTION OF ARMS		DESCRIPTION OF AMMUNITION OR MILITARY STORES		Date on which license expires.
			to be manufactured or converted.	to be sold or kept for sale.	to be manufactured.	to be sold or kept for sale.	
							The 31st of December 190 .

(Signature.)

Assistant to the Chief Commissioner.

Seal.

The _____ 190 .

Form of renewing the License.

Date and year of renewal.	Date on which the renewed license expires.	Signature.

1. This license is given subject to the provisions of "The Indian Arms Act, 1878," as extended to British Baluchistan and the rules framed thereunder. The attention of the licensee is drawn to the provisions of the Act quoted separately below.

2. He shall keep registers of all arms, ammunition in stock and of all sales, in such form as the Local Government may from time to time direct.

3. He shall exhibit his stock and his registers on demand by any Magistrate or by any Police officer not below the rank of Inspector.

4. If any arms or ammunition covered by this license are lost or stolen, he shall at once give notice at the nearest Police station.

N.B.—This condition may be omitted at the discretion of the Local Government.

5. He shall affix on a conspicuous part of his shop, or usual place of business, a signboard, on which shall be painted in large letters in English and in the Vernacular of the district his name and the words "licensed to deal in arms, ammunition and military stores." He shall also post up in his shop a copy of section 28 of the Act either in the Vernacular of the district, or in English.

6. This license only covers sales of arms, ammunition or military stores effected upon the premises shown on the face of the license.

7. This license expires on the 31st December of the year in which it is issued, but the licensee can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

8. This license does not authorise the licensee to possess Government arms or ammunition.

Explanation.—A "Government arm" is a firearm or other weapon which is the property of Government.

"Government ammunition" is ammunition manufactured in any Government factory, or which is prepared for and supplied to Government.

Sections of the Indian Arms Act, 1878, referred to in Condition No. 1.

5. No person shall manufacture, convert or sell, or keep, offer or expose for sale, any arms, ammunition or military stores, except under a license and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same.

19. Whoever commits any of the following offences (namely):

(a) manufactures, converts or sells, or keeps, offers or exposes for sale, any arms, ammunition or military stores in contravention of the provisions of section 5;

(g) intentionally makes any false entry in a record or account which, by a rule, he is required to keep; or

(h) intentionally fails to exhibit anything which, by a rule, he is required to exhibit;

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

20. Whoever does any act mentioned in clause (a) of section 19, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code, or to any person employed upon a railway, or the servant of any public carrier,

and whoever, on any search being made under section 25, conceals or attempts to conceal any arms, ammunition or military stores,

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

21. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorised under the proviso to section 5 or sells the same, or delivers any arms or ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorised to possess the same, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

22. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorised under the proviso to section 5 or sells the same, or

delivers any arms or ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorised to possess the same,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

23. Any person violating any rule made under this Act, and for the violation of which no penalty is provided by this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

24. When any person is convicted of an offence punishable under this Act, committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores and any vessel, cart or baggage animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

License to keep and sell Arms, Ammunition or Military Stores in British Baluchistan.

Serial number of license.	Name and residence of licensee/holder.	Place of business.	Description of		Date on which license expires.
			Arms.	Ammunition or military stores.	
					The 31st of December 1900

(Signature.)

The _____ 1900

Assistant to the Chief Commissioner.

Seal.

Form of renewing the License.

Date and year of renewal.	Date on which the renewed license expires.	Signature.

1. This license is given subject to the provisions of "The Indian Arms Act, 1878," as extended to British Baluchistan and the rules framed thereunder. The attention of the holder is drawn to the sections of the Act quoted separately below.

2. He shall keep registers of all arms, ammunition in stock and of all sales, in such form as the Local Government may from time to time direct.

3. He shall exhibit his stock and his registers on demand by any Magistrate or by any Police officer not below the rank of Inspector.

4. If any arms or ammunition covered by this license are lost or stolen, he shall at once give notice at the nearest Police station.

N.B.—This condition may be omitted at the discretion of the Local

6. He shall affix on a conspicuous part of his shop or usual place of business a notice in the following words:—

7. This license only covers sales of arms, ammunition or military stores

8. This license expires on the 31st December of the year in which it is issued, but the licensee can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

9. This license does not authorise the licensee to possess Government arms or ammunition.

Explanation.—A "Government arm" is a firearm or other weapon which is the property of Government.

"Government ammunition" is ammunition manufactured in any Government factory, or which is prepared for and supplied to Government.

Sections of the Indian Arms Act, 1878, referred to in Condition No. 1.

5. No person shall manufacture, convert or sell, or keep, offer or expose for sale, any arms, ammunition or military stores, except under a license and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same.

19. Whoever commits any of the following offences (namely):—

(a) manufactures, converts or sells, or offers or exposes for sale, any arms, ammunition or military stores, in contravention of the provisions of section 5;

(g) intentionally makes any false entry in a record or account which, by a rule, * * * he is required to keep; or

(h) intentionally fails to exhibit anything which, by a rule, * * * he is required to exhibit;

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

20. Whoever does any act mentioned in clause (a) * * * of section 5, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code, or to any person employed upon a railway, or the servant of any public carrier,

and whoever, on any search being made under section 25, conceals or attempts to conceal any arms, ammunition or military stores.

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

21. Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 19 or section 20, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

22. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorised under the proviso to section 5 to sell the same, or

delivers any arms or ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorised to possess the same,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

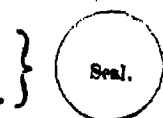
23. Any person violating any rule made under this Act, and for the
violation of which he is punished with imprisonment, shall be liable to
be punished with imprisonment for a term not exceeding three months.

24. When any person is convicted of an offence punishable under this Act
committed by him in respect of any arms, ammunition or military stores, it shall
be in the discretion of the convicting court or Magistrate further to direct that
the whole or any portion of such arms, ammunition or military stores and any
vessel, cart or baggage animal used to convey the same, and any box, package
or bale in which the same may have been concealed, together with the other
contents of such box, package or bale, shall be confiscated.

and issues ball-d ammunition capable of being fired from rifles of 303 or 308 or 450 or 577 bore of the Snider or Martini-Henry pattern in Baluchistan.

Serial number of license.	Name of license holder with particulars of residence.	Quantity of ball-d ammunition.	Purpose for which granted.	District or place within which license is valid.	Date on which license expires.
					The 31st of December 190 .

_____ District.
The _____ of _____ 190 .



(Signature.)

_____ of the _____

Form of renewing the License.

Date and year of renewal.	Date on which the renewed license expires.	Signature of Magistrate.
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1. This license is granted subject to the provisions of "The Indian Arms Act, 1878," as extended to British Baluchistan.

2. It extends only to the place or district named therein.

3. It extends only to the place or district named therein.

4. The license-holder, when purchasing any new ammunition, shall be following particulars endorsed upon his license under the vendor's signature:—

- (1) the name and address of the person who takes delivery of the articles purchased;
- (2) the nature and amount of the articles purchased;
- (3) the date of purchase.

6. If any ammunition covered by this license is lost or stolen the license-holder shall at once give notice of the fact to the nearest Police station.

N.B.—This condition may be omitted at the discretion of the Local Government.

7. This license expires on the 31st December of the year in which it is issued. The license-holder can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

8. This license does not authorise the licensee to possess Government ammunition.

Explanation.—"Government ammunition" is ammunition manufactured in any Government factory, or which is prepared for and supplied to Government.

No. 2049-E.A.—In exercise of the powers conferred by section 17 of the Indian Arms Act, 1878 (XI of 1878), as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, the Governor General in Council is pleased to make the following amendments in the rules published with the Notification of the Government of India in the Foreign Department, No. 1457-E., dated the 27th July 1895, namely:—

1. To Rule 2 after the words "ten rupees" the following provisos shall be inserted, namely:—

"Provided, first, that in the case of breech-loading rifles and ball rifle ammunition the license shall not be granted without the previous sanction of the Agent to the Governor General in Baluchistan;

"Provided also that no license for the transport of breech-loading rifles or ball rifle ammunition to a frontier district shall be granted without the previous sanction of the Local Government."

2. To Rule 6 the following proviso shall be added, namely:—

"Provided that no such license shall be granted for the importation of any rifles of .303 bore or of rifles of .450 or .577 bore of the Snider and Martini-Henry patterns."

3. In Rule 9 from clause (b) the word "or" shall be omitted and after clause (c) the following clause shall be added, namely:—

"(d) in the case of breech-loading rifle and ball rifle ammunition, whether the previous sanction of the Local Government or other prescribed authority has been obtained."

4. In Rule 13 after the words "these rules" the following shall be inserted, namely:—

"But licenses to manufacture, convert, keep or sell or keep for sale breech-loading rifles, rifle ammunition or military stores for rifles shall be granted only by the Agent to the Governor General and shall be in Form V-A or VI-A. The Agent to the Governor General may under this rule grant licenses to selected dealers to hold such amount of ammunition for rifles of .303 bore, or rifles of .450 or .577 bore of the Snider or Martini-Henry pattern as he may

5. After Rule 13 the following rule shall be added, namely :—

"13-A. Licenses for the possession of reasonable quantities of ball ammunition which can be fired from rifles of the bore of .450 or .577 may be granted in any district by the District Officer in Form VIII appended to these rules. Such license may be granted on application to any person lawfully in possession for sporting purposes of a rifle of the .303 bore, or a rifle of the .450 or .577 bore of the Snider or Martini-Henry pattern, and shall state the amount of such ball ammunition which he may possess during the currency of the license. No such license shall be granted to any other person without the express sanction of the Agent to the Governor General. Duly licensed dealers shall be allowed to import their ball ammunition up to the quantity stated in their licenses. Upon every license produced in support of an application for leave to import, the quantity of ammunition to import which leave was given and the date of giving it shall be endorsed by the authority by whom leave is granted."

6. After Forms V, VI and VII, respectively, of the Forms appended to the said rules, the following forms shall be added, namely:

BREECH-LOADING RIFLES, RIFLE AMMUNITION OR MILITARY STORES FOR RIFLES.

FORM V—A.

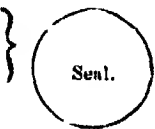
FEE TWENTY RUPEES IN STAMPS.

License to Manufacture, Convert or Sell, or to keep for Sale, Arms, Ammunition or Military Stores in the territories administered by the Agent to the Governor General in Baluchistan as such Agent.

Serial number of license.	Name and residence of license-holder.	Place of business, factory or shop.	DESCRIPTION OF ARMS		DESCRIPTION OF AMMUNITION OR MILITARY STORES		Date on which license expires.
			to be manufactured or converted.	to be sold or kept for sale.	to be manufactured.	to be sold or kept for sale.	
							The 31st of December 190 .

(Signature.)

The _____ 190 .



Assistant to the Agent to the Governor General in Baluchistan.

Form of renewing the license.

Date and year of renewal.	Date on which the renewed license expires.	Signature.

1. This license is given subject to the provisions of "The Indian Arms Act, 1878," as applied to the territories administered by the Agent to the Governor General in Baluchistan and the rules framed thereunder. The attention of the holder is drawn to the sections of the Act quoted separately below.

2. He shall keep registers of all arms, ammunition in stock and of all sales, in such form as the Local Government may from time to time direct.

3. He shall exhibit his stock and his registers on demand by any Magistrate, or by any Police officer not below the rank of Inspector.

4. If any arms or ammunition covered by this license are lost or stolen, he shall at once give notice at the nearest Police station.

N.B.—This condition may be omitted at the discretion of the Local Government.

5. He shall affix on a conspicuous part of his shop, or usual place of business, a signboard, on which shall be painted in large letters in English and in the Vernacular of the district his name and the words "licensed to deal in arms, ammunition and military stores." He shall also post up in his shop a copy of section 28 of the Act either in the Vernacular of the district, or in English.

6. This license only covers sales of arms, ammunition or military stores effected upon the premises shown on the face of the license.

7. This license expires on the 31st December of the year in which it is issued, but the licensee can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

8. This license does not authorise the licensee to possess Government arms or ammunition.

Explanation.—A "Government arm" is a firearm or other weapon which is the property of Government.

"Government ammunition" is ammunition manufactured in any Government factory, or which is prepared for and supplied to Government.

Sections of the Indian Arms Act, 1878, referred to in Condition No. 1.

5. No person shall manufacture, convert or sell, or keep, offer or expose for sale, any arms, ammunition or military stores, except under a license and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same.

19. Whoever commits any of the following offences (namely):—

(a) manufactures, converts or sells, or keeps, offers or exposes for sale, any arms, ammunition or military stores in contravention of the provisions of section 5;

* * * * *

(g) intentionally makes any false entry in a record or account which, by a rule, * * * he is required to keep; or

(h) intentionally fails to exhibit anything which, by a rule, * * he is required to exhibit;

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

20. Whoever does any act mentioned in clause (a) * * * of section 19, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code, or to any person employed upon a railway, or the servant of any public carrier,

and whoever, on any search being made under section 25, conceals or attempts to conceal any arms, ammunition or military stores,

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

21. Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 19 or section 29, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

22. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorised under the proviso to section 5 to sell the same, or

delivers any arms or ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorised to possess the same,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

23. Any person violating any rule made under this Act, and for the violation of which no penalty is provided by this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

24. When any person is convicted of an offence punishable under this Act, committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores and any vessel, cart or baggage animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

BRECH-LOADING RIFLES, RIFLE AMMUNITION OR MILITARY STORES FOR RIFLES.

FORM VI—A.

FEE TEN RUPEES IN STAMPS.

*License to keep and sell Arms, Ammunition or Military Stores in the territories administered
by the Agent to the Governor General in Baluchistan as such Agent.*

Serial number of license.	Name and residence of license holder.	Place of business.	DESCRIPTION OF		Date on which license expires.
			Arms.	Ammunition or military stores.	
					The 31st of December 190 .

(Signature.)

The _____ 190 .



*Assistant to the Agent to the
Governor General in Baluchistan.*

Form of renewing the License.

Date and year of renewal.	Date on which the renewed license expires.	Signature.

1. This license is given subject to the provisions of "The Indian Arms Act, 1878," as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, and the rules framed thereunder. The attention of the holder is drawn to the sections of the Act quoted separately below.

2. He shall keep registers of all arms and ammunition in stock and of all sales, in such form as the Local Government may from time to time direct.

3. He shall exhibit his stock and his registers on demand by any Magistrate, or by any Police officer not below the rank of Inspector.

4. If any arms or ammunition covered by this license are lost or stolen, he shall at once give notice at the nearest Police station.

N.B.—This condition may be omitted at the discretion of the Local Government.

5. He shall affix on a conspicuous part of his shop, or usual place of business, a signboard, on which shall be painted in large letters in English and in the Vernacular of the district his name and the words "licensed to deal in arms, ammunition and military stores." He shall also post up in his shop a copy of section 28 of the Act either in the Vernacular of the district, or in English.

6. This license only covers sales of arms, ammunition or military stores effected upon the premises shown on the face of the license.

7. This license expires on the 31st December of the year in which it is issued, but the licensee can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

8. This license does not authorise the licensee to possess Government arms or ammunition.

Explanation.—A "Government arm" is a fire arm or other weapon which is the property of Government.

"Government ammunition" is ammunition manufactured in any Government factory, or which is prepared for and supplied to Government.

Sections of the Indian Arms Act, 1878, referred to in Condition No. 1.

5. No person shall manufacture, convert or sell, or keep, offer or expose for sale, any arms, ammunition or military stores, except under a license and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same.

19. Whoever commits any of the following offences (namely) :—

(a) manufactures, converts or sells, or keeps, offers or exposes for sale, any arms, ammunition or military stores in contravention of the provisions of section 5 ;

* * * * *

(g) intentionally makes any false entry in a record or account which, by a rule, * * * he is required to keep ; or

(h) intentionally fails to exhibit anything which, by a rule, * * * he is required to exhibit ;

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

20. Whoever does any act mentioned in clause (a) * * * of section 19, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code, or to any person employed upon a railway, or the servant of any public carrier,

and whoever, on any search being made under section 25, conceals or attempts to conceal any arms, ammunition or military stores,

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

21. Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 19 or section 20, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

22. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorised under the proviso to section 5 to sell the same, or

delivers any arms or ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorised to possess the same,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

23. Any person violating any rule made under this Act, and for the violation of which no penalty is provided by this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

24. When any person is convicted of an offence punishable under this Act committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores, and any vessel, cart or baggage animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

FORM VIII.

FEE EIGHT ANNAS, PAYABLE IN STAMPS.

License to possess ballled ammunition capable of being fired from rifles of .303 bore or rifles of .450 or .577 bore of the Snider or Martini-Henry pattern in the territories administered by the Agent to the Governor General in Baluchistan as such Agent.

Serial number of license.	Name of license-holder, with particulars of residence.	Quantity of ballled ammunition.	Purpose for which granted.	District or place within which license is valid.	Date on which license expires.
					The 31st of December 190 .

(Signature.)

_____ of the _____

_____ District,

The _____ of _____ 190 .

Seal.

Form of renewing the License.

Date and year of renewal.	Date on which the renewed license expires.	Signature of Magistrate.

1. This license is granted subject to the provisions of "The Indian Arms Act, 1878," as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent.

2. It covers only the persons and the ammunition named therein.

3. It is void after the date named therein.

4. It extends only to the place or district named therein.

5. The license-holder, when purchasing any new ammunition, shall have the following particulars endorsed upon his license under the vendor's signature:—

(1) the name and address of the person who takes delivery of the article purchased.

(2) the nature and amount of the articles purchased.

(3) the date of purchase.

6. If any ammunition covered by this license is lost or stolen, the license holder shall at once give notice of the fact to the nearest Police Station.

N.B.—This condition may be omitted at the discretion of the Local Government.

7. This license expires on the 31st December of the year in which it issued. The license-holder can have it renewed by filing an application for it renewal on stamped paper of the prescribed value.

8. This license does not authorise the licensee to possess Government ammunition.

Explanation.—"Government ammunition" is ammunition manufactured in any Government factory, or which is prepared for and supplied to Government.

H. S. BARNES,

Secretary to the Government of India

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

SEPARATE REVENUE.

STAMPS.

Calcutta, the 12th December, 1901.

No. 6260 S. R.—In exercise of the powers conferred by section 35 of the Court-fees Act, 1870 (VII of 1870), the Governor-General in Council is pleased to remit the fees chargeable under the said Act on applications made by distillers and warehouse-keepers in the Madras Presidency to the Excise officer in charge of

the distillery or warehouse for the issue permit for the transport of country spirits.

LEAVE AND APPOINTMENTS.

The 12th December, 1901.

No. 6263-P.—Mr. A. M. Brigstocke, D. Accountant General, Madras, is, with effect from the 9th of December, 1901, granted special leave for one month and three days for urgent private affairs for months and twenty-seven days in continu

J. F. FINLAY,

Secretary to the Government of

MILITARY DEPARTMENT.

Fort William, the 13th December, 1901.

APPOINTMENTS.

MILITARY ACCOUNTS DEPARTMENT.

No. 1100.—Lieutenant-Colonel G. A. Williams, Military Accountant, 2nd class, is appointed to officiate, until further orders, as Controller of Military Accounts, during the absence of Lieutenant-Colonel W. J. B. Bird, on leave.

REMOUNT DEPARTMENT.

No. 1101.—Captain A. G. B. Turner, 13th Bengal Lancers, to be Superintendent, temporary Remount Depot, Umballa, *vice* Major

S. F. Crocker, 9th Bengal Lancers, appointed Superintendent, Remount Depot, Calcutta. Dated 24th November, 1901.

STAFF CORPS.

No. 1102.—The undermentioned officer admitted to the Indian Staff Corps, with effect from the dates specified, subject to confirmation by the Secretary of State for India.

Lieutenant Reginald Henry Sedgwick, 1st Battalion, Bedfordshire Regiment, Double Company Officer, 3rd Infantry, Hyderabad Contingent. 1st 27th October, 1901.

Second-Lieutenant James Whitehead, 1st West Kent Regiment, Double Company Officer, 1st Brahman Infantry. 1st 29th October, 1901.

LONDON GAZETTE.

No. 1103.—The following extract is published for general information:—

"*London Gazette*," dated the 14th November, 1901, pages 7395 and 7397.

WAR OFFICE,

Pall Mall, 15th November, 1901.

The King has also been graciously pleased to approve of the following promotion in the Army in recognition of the services of the undermentioned officer during the operations against the Nandi:—

BREVET.

Captain (now Major) J. T. Evatt, D.S.O., Indian Staff Corps, to be Major. Dated 5th February, 1901.

MEMORANDA.

Colonel (temporary Brigadier-General) W. J. Vousden, V.C., C.B., Indian Staff Corps, is granted the temporary rank of Major-General whilst officiating as Inspector-General of Cavalry in India. Dated 18th October, 1901.

PROMOTIONS.

INDIAN STAFF CORPS.

No. 1104.—The following promotions are made, subject to His Majesty's approval:—

Lieutenant to be Captain.

13th August, 1901.

Malcolm Edward Lloyd Bruce.

Second-Lieutenant to be Lieutenant.

19th October, 1901.

Leslie Sedgwick Whitchurch.

INDIAN SUBORDINATE MEDICAL DEPARTMENT, ASSISTANT SURGEON BRANCH.

Bombay Command.

No. 1105.—The undermentioned military pupils, having passed their final examination, are admitted into the service as fourth class Assistant Surgeons, with effect from the 27th September, 1901:—

Hubert Felix DePenning.

Stanislaus George Smyth.

David Ernest Barrett.

Archibald Raymond Hastings Boyne.

Lionel Vivian O'Brien Easdon.

Sydney Francis Hastings Boyne.

William Hugh Maher.

Hermann Frank Otto.

HOSPITAL ASSISTANT BRANCH.

Bengal Establishment.

No. 1106.—The date of promotion of No. 850, Hospital Assistant Chandika-parshad, from third to second class, notified in G. G. O. No. 739 of 1901, is antedated to 1st May, 1900.

Bombay Command.

No. 1107.—The undermentioned native military pupils, having passed their final examination, are admitted into the service as third class Hospital Assistants, with effect from the 16th September, 1901:—

No. 257, Chhaganlal Gopalji Dhandhukia.

No. 258, Shanker Vishnu Gole.

No. 259, Ganesh Vishnu Joshi.

No. 260, Dattatraya Balkrishna Malliker.

No. 261, Hiralal Chunilal Kothari.

No. 262, Sarabhai Bulakhiram Bhatt.

No. 263, Mohanlal Nageshwar Shukla.

NATIVE ARMY.

No. 1108.—The following promotions are made in the undermentioned regiments:—

32nd Punjab Pioneers.

Havildar Natha Singh to be Jemadar, *vice* Partab Singh, transferred to the pension establishment, with effect from the 16th November, 1901.

48th Bengal Pioneers.

Jemadar Har Dhian to be Subadar and Havildar Newa Singh, from the Bengal Sappers and Miners, to be Jemadar, *vice* Har Nath, transferred to the 10th Jat Infantry, with effect from the 22nd November, 1901.

42nd Gurkha Rifles.

Havildar Rupnarain Nagarkoti, to be Jemadar, *vice* Singbir Lama, transferred to the pension establishment, with effect from the 1st November, 1901.

13th Bombay Infantry.

No. 1109.—In G. G. O. No. 988 of 1901, for "Havildar Nizamud-din Khan" read "Havildar Nizamud-din."

RESIGNATIONS.

INDIAN SUBORDINATE MEDICAL DEPARTMENT,

HOSPITAL ASSISTANT BRANCH.

Bengal Establishment.

No. 1110.—No. 789, second class Hospital Assistant Punit Singh is permitted to resign the service.

No. 1111.—No. 716, third class Hospital Assistant Khuda-bakhsh is permitted to resign the service.

RETIREMENTS.

No. 1112.—Lieutenant-Colonel Arthur Theophilus Lodge Patch, Indian Medical Service (Madras), is permitted to retire from the service, with effect from the 19th June, 1901, subject to His Majesty's approval.

No. 1113.—Lieutenant-Colonel Jamshedji Kharshedji Kanga, Indian Medical Service (Madras), is permitted to retire from the service with effect from the 14th December, 1901, subject to His Majesty's approval.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS, AND RESIGNATIONS.

No. 1114.—Rangoon Naval Volunteers—

John Alexander Polson, Gentleman, to be Sub-Lieutenant, *vice* De La Tasse, resigned.

No. 1115.—Northern Bengal Mounted Rifles—

Captain Charles William Newton resigns his commission, with effect from the 7th November, 1901.

No. 1116.—1st Battalion, Calcutta Volunteer Rifles—

Edward Brooks Henerson Paton, Gentleman, to be Second-Lieutenant, with effect from the 23rd November, 1901, to complete the establishment.

Second-Lieutenant William Alfred St. Leger Kelly resigns his commission, with effect from the 29th October, 1901.

No. 1117.—3rd (Cadet) Battalion, Calcutta Volunteer Rifles—

Captain Henry James Fraser Harris resigns his commission, with effect from the 13th November, 1901.

No. 1118.—East Indian Railway Volunteer Rifles—

Lieutenant Bernard Heaton to be Captain, with effect from the 15th November, 1901, *vice* Macdonell, transferred to the supernumerary list.

No. 1119.—Eastern Bengal State Railway Volunteer Rifles—

Frederick Blunt Wathen, Gentleman, to be Second-Lieutenant, with effect from the 1st May, 1901, *vice* Humfress, transferred to the supernumerary list.

John Knightley Sitwell, Gentleman, to be Second-Lieutenant, with effect from the 8th August, 1901, *vice* Hyde, promoted.

John Hartley Chase, Gentleman, to be Second-Lieutenant, with effect from the 22nd August, 1901, to complete the establishment on augmentation.

No. 1120.—Great Indian Peninsula Railway Volunteers—

Lieutenant-Colonel Spencer Gore-Browne resigns his commission, and is permitted, on retirement, to retain his rank and wear the uniform of the corps.

No. 1121.—North Western Railway Volunteer Rifles—

Frederick Eustace Cole, Gentleman, to be Second-Lieutenant, with effect from the 16th October, 1901, *vice* Ryan, transferred to the supernumerary list.

No. 1122.—Rohilkhand Volunteer Rifles—

Lieutenant William Henry Clifford resigns his commission, with effect from the 8th November, 1901.

Second-Lieutenant Selwyn Howe Fremantle to be Lieutenant, *vice* Faunthorpe, transferred to the supernumerary list.

Second-Lieutenant Edgar Francis Latimer Winter, to be Lieutenant, with effect from the 8th November, 1901, *vice* Clifford, resigned.

Reginald Wright, Gentleman, to be Second-Lieutenant, with effect from the 8th November, 1901, *vice* Winter, promoted.

No. 1123.—Hyderabad Volunteer Rifles—

Captain Guy Noble Tayler resigns his commission.

Lieutenant Henry Johnstone Dunlop to be Captain, *vice* Tayler, resigned.

No. 1124.—2nd (Presidency) Battalion, Calcutta Volunteer Rifles—

Lieutenant Samuel Carleton Aldridge resigns his commission, with effect from the 4th October, 1901.

No. 1125.—Midland Railway Volunteer Rifles—

Second-Lieutenant George Arthur Gibson to be Captain, with effect from the 19th October, 1901, *vice* Hawes, transferred to the Bombay Artillery Volunteers.

MARINE DEPARTMENT.

FURLOUGH AND LEAVE.

No. 43.—The undermentioned officer has been granted an extension of leave by the Secretary of State for India:—

Engineer A. Mackey, Royal Indian Marine, (m. c.) for one month.

E. G. BARROW, Major-General,

Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 13th December, 1901.

Under clause 53 of the Regulations appended to the Regimental Debts Act, 1893, it is notified that reports of the deaths of the undermentioned Commissioned Officers on the dates specified were received in the Military Department between the 7th and the 13th December, 1901:—

Corps.	Rank and Names.	Date of decease.	Place of decease.	Testate or Intestate.	REMARKS.
Indian Staff Corps	Lieutenant-Colonel John Patrick Walter Spankie.	8th December, 1901.	Nowgong	...	...
Indian Staff Corps, 1st Battalion, 5th Gurkha (Rifle) Regiment (Officiating Commandant, Kurram Militia).	Captain Sotheby Douglas Brodie Ketchen.	9th December, 1901.	Hills north of Parachinar.	...	...

Statement of Deposits on account of Estates between the 7th and the 13th December, 1901.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total un-claimed amount deposited.	to which claims will be received.
Dudley Cater Johnston (a)	Captain	Indian Medical Service.	9th January, 1901.	Intestate	R 6 2 10	...

(a) Next-of kin—

Father.—William Johnston, Esq.,
33 Doraton Road, Balham, Surrey, England.

E. G. BARROW, Major-General,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

RAILWAYS.

NOTIFICATIONS.

Calcutta, the 7th December, 1901.

No. 494.—It is hereby notified for general information that His Majesty's Secretary of State for India has accorded sanction to an estimate amounting to Rs25,69,536 for the construction of a line of railway on the 5' 6" gauge from Malakwal station on the Sind Sagar branch of the North Western railway to the Karana Hills, a distance of 51·4 miles.

2. The project will be known as the Northern Section, Jech-Doab railway project, and will be under the control of the Director of Railway Construction.

The 9th December, 1901.

No. 495.—It is hereby notified for general information that His Majesty's Secretary of State for India has sanctioned estimates aggregating Rs38,98,487 for the construction of a main line connection between the Gya-Katrasgarh and Midnapur-Jherriah railways and for the colliery lines required for the development of the Jherriah Coalfield by the agency of both the Bengal Nagpur and East Indian Railway Companies, as follows:—

Bengal Nagpur Railway Company—

	Miles.	Cost. R
Main line	27·90	31,57,366
Colliery lines	25·02	18,54,936
TOTAL	52·92	50,12,302

East Indian Railway Company—

Colliery lines	14·01	8,86,185
GRAND TOTAL	66·93	58,98,487

The 10th December, 1901.

No. 497.—Lala Pankaj Lal, a student of the Thomason Civil Engineering College, Rurki, is appointed to the Provincial Service of the Engineer Branch of the Public Works Department as an Assistant Engineer, 3rd grade, with effect from the 1st November, 1901, and is posted to State Railways for employment on the Eastern Bengal State Railway.

No. 498.—Mr. H. Cooper, Assistant Traffic Superintendent, Eastern Bengal State Railway, in Class III, grade 3, of the Superior Revenue Establishment of State Railways, is, at his own request, permitted to resign the service of Government, with effect from the 31st December, 1901.

The 11th December, 1901.

No. 501.—Mr. Harry Stuart, Examiner of Accounts, has been granted, by his Majesty's Secretary of State for India, furlough to the 27th October, 1902, in extension of that sanctioned in Notification No. 78 of 1st March, 1901.

The 12th December, 1901.

No. 503.—It is hereby notified for general information that His Majesty's Secretary of State for India has in Despatch No. III Railway, dated 8th November, 1901, sanctioned the construction of the Allahabad-Fyzabad Chord Railway as a State Line at an estimated cost of Rs. 1,17,09,370, and that the control of the same has been placed under the Director of Railway Construction.

No. 504.—Mr. Frederick Douglas Monks, a qualified student of the Thomason Civil Engineering College, Rurki, is appointed to the Provincial Service of the Engineer Branch of the Public Works Department as an Assistant Engineer, 3rd grade, with effect from the 31st October, 1901, and is posted to State Railways for employment on the North Western railway.

No. 505.—Mr. J. L. P. Hogan, Superintending Engineer, 1st class, temporary rank, State railways, and Officiating Junior Consulting Engineer to the Government of India for Railways, Calcutta, is appointed Engineer-in-Chief of the Allahabad-Fyzabad railway.

No. 506.—Mr. W. Opden, Examiner of Accounts, has been granted, by His Majesty's Secretary of State for India, furlough on medical certificate for three months in extension of that notified in Public Works Department Notification No. 356, dated 12th September, 1901.

No. 508.—The Governor-General in Council is pleased to sanction under section 16, sub-section (1) of the Indian Railways Act, 1890 (IX of 1890), the use of locomotive engines and rolling stock to be drawn or propelled thereby on the Ramkanali-Nodeeha branch of the Bengal Nagpur railway.

No. 507.—The following is published for general information :—

No. 1249 R. T.

GOVERNMENT OF INDIA—PUBLIC WORKS DEPARTMENT—RAILWAY TRAFFIC.

Calcutta, the 9th December 1901.

READ—

Sections 3 (4), 16 (2), 47 and 148 (1) of the Indian Railways Act, 1890 (IX of 1890). Government of India, Public Works Department, notification No. 4804, dated the 30th October 1890, and the Government of India resolution No 736 R. T., dated the 17th October 1890, published thereunder.

Memorandum from the Consulting Engineer to the Government of India for Railways, Calcutta, No. 531, dated the 23rd November 1901, forwarding letter from the Agent and Chief Engineer of the Bengal Nagpur Railway Company, No. C 15912, dated the 19th November 1901.

OBSERVATIONS.—The Agent and Chief Engineer of the Bengal Nagpur Railway Company has applied for leave to adopt the General Rules for working railways under construction and not used for the public carriage of passengers, animals, or goods, which rules were published in the *Gazette of India* of the 8th November 1890, under Public Works Department notification No. 4804, dated the 30th October 1890, on the Ramkanali-Nodeeha branch of the Bengal Nagpur railway.

RESOLUTION.—The Governor General in Council is pleased to sanction the application of the General Rules which are referred to in the foregoing observations to the Ramkanali-Nodeeha branch of the Bengal Nagpur railway, which has been sanctioned for construction.

ORDER.—Ordered that the General Rules, which have already been published in the *Gazette of India* of the 8th November 1890, be further notified to the railway servants and to the public by a copy thereof being kept open to inspection free of any charge in the office of the Engineer in charge of the construction of the railway.

Ordered, also, that this resolution be communicated to the Consulting Engineer to the Government of India for Railways, Calcutta, for information and guidance, and that it be published under a notification in Part I of the *Gazette of India*.

The 13th December, 1901.

No. 509.—The following is published for general information :—

No. 1262 R. T.

GOVERNMENT OF INDIA—PUBLIC WORKS DEPARTMENT—RAILWAY TRAFFIC.

Calcutta, the 11th December 1901.

General Rules of 1895 for working railways open for traffic.

READ—

Section 47 of the Indian Railways Act, 1890 (IX of 1890).

Government of India, Public Works Department, notification No. 118, dated the 21st March 1895, and the Government of India circular No. 6 Railway, dated the 12th March 1895, published thereunder.

Government of India, Public Works Department, notification No. 257, dated the 28th May 1896, and the Government of India circular No. 3 Railway, dated the 22nd May 1896, published thereunder.

Government of India, Public Works Department, notification No. 55, dated the 5th February 1897, and the Government of India circular No. 3 Railway, dated the 3rd February 1897, published thereunder.

Government of India, Public Works Department, notification No. 3, dated the 5th January 1898, and the Government of India circular No. 12 Railway, dated the 9th December 1897, published thereunder.

Government of India, Public Works Department, notification No. 32, dated the 28th January 1898, and the Government of India resolution No. 84 R. T., dated the 25th January 1898, published thereunder.

Government of India, Public Works Department, notification No. 104, dated the 10th March 1898, and the Government of India circular No. 1 Railway, dated the 3rd March 1898, published thereunder.

Government of India, Public Works Department, notification No. 134, dated the 23rd March 1898, and the Government of India circular No. III Railway, dated the 15th March 1898, published thereunder.

Government of India, Public Works Department, notification No. 423, dated the 14th September 1898, and the Government of India resolution No. 967 R. T., dated the 6th September 1898, published thereunder.

Government of India, Public Works Department, notification No. 197, dated the 5th May 1899, and the Government of India circular No. I Railway, dated the 26th April 1899, published thereunder.

Government of India, Public Works Department, notification No. 298, dated the 14th July 1899, and the Government of India circular No. V Railway, dated the 3rd July 1899, published thereunder.

Government of India, Public Works Department, notification No. 517, dated the 7th December 1899, and the Government of India circular No. X Railway, dated the 1st December 1899, published thereunder.

Government of India, Public Works Department, notification No. 29, dated the 25th January 1900, and the Government of India circular No. IV Railway, dated the 19th January 1900, published thereunder.

Government of India, Public Works Department, notification No. 432, dated the 26th October 1900, and the Government of India circular No. XII Railway, dated the 17th October 1900, published thereunder.

Government of India, Public Works Department, notification No. 142, dated the 27th March 1901, and the Government of India circular No. II Railway, dated the 19th March 1901, published thereunder.

Government of India, Public Works Department, notification No. 143, dated the 27th March 1901, and the Government of India circular No. III Railway, dated the 22nd March 1901, published thereunder.

Letter from the Director of Railway Traffic, No. 1256 R. T., dated the 9th December 1901.

OBSERVATIONS.—The Director of Railway Traffic has applied that the General Rules for working open lines of railway in British India which have been published under the Government of India, Public Works Department, notification No. 118, dated the 21st March 1895 (*vide the Gazette of India* of the 23rd March 1895), as modified by the Government of India circulars Nos. 3 Railway, dated the 22nd May 1896, 3 Railway, dated the 3rd February 1897, 12 Railway, dated the 9th December 1897, resolution No. 84 R. T., dated the 25th January 1898, and circulars Nos. 1 Railway, dated the 3rd March 1898, III Railway, dated the 15th March 1898, I Railway, dated the 26th April 1899, V Railway, dated the 3rd July 1899, X Railway, dated the 1st December 1899, IV Railway, dated the 19th January 1900, XII Railway, dated the 17th October 1900, II Railway, dated the 19th March 1901, and III Railway, dated the 22nd March 1901, which were published under Public Works Department notifications Nos. 257, dated the 28th May 1896, 55, dated the 5th February 1897, 3, dated the 5th January 1898, 32, dated the 28th January 1898, 104, dated the 10th March 1898, 134, dated the 23rd March 1898, 197, dated the 5th May 1899, 298, dated the 14th July 1899, 517, dated the 7th December 1899, 29, dated the 25th January 1900, 432, dated the 26th October 1900, and 142 and 143, dated the 27th March 1901 (*vide the Gazette of India* of the 30th May 1896, 6th February 1897, 8th January 1898, 29th January 1898, 12th March 1898, 26th March 1898, 6th May 1899, 15th July 1899, 9th December 1899, 27th January 1900, 27th October 1900, and 30th March 1901), may be made applicable to the Mogalhat-Dhubri section of the Eastern Bengal State railway.

RESOLUTION.—The Governor General in Council is pleased to sanction the application of the General Rules for working railways open for traffic which may, for the time being and hereafter from time to time, be in force on the Eastern Bengal State railway to such portions of the Mogalhat-Dhubri section of that railway as are situate in British territory, with effect from the date or dates on which the said section or portions thereof may be opened for the public carriage of passengers, animals or goods.

ORDER.—Ordered, that this resolution be published under a notification in Part I of the *Gazette of India*, as required by section 47, sub-section (3), of the Indian Railways Act, 1890; also that the General Rules, cited in the foregoing observations—which have already been published in the *Gazette of India*—be kept at railway stations as directed by sub-section (6) of the same section.

Ordered also that this resolution be communicated to the Manager, Eastern Bengal State railway, for information and guidance.

A. BRERETON,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

IRRIGATION, ROADS AND BUILDINGS.

NOTIFICATIONS.

Calcutta, the 7th December, 1901.

No. 493.—With reference to Public Works Department Notification No. 387, dated 3rd October, 1901, Mr. G. W. Sweet, Examiner of Accounts, has been granted by His Majesty's Secretary of State for India an extension of furlough on medical certificate to 22nd April, 1902.

The 11th December, 1901.

No. 499.—The Right Honourable the Secretary of State for India has, in His Lordship's Despatch No. 50-F. W., dated 18th October, 1901, sanctioned the classification of the Upper Sutlej System of Inundation Canals in the Punjab, at present classed under 43, Minor Works and Navigation, as a Productive Public Work, and the inclusion of the Lower Sohag and Para Canal, an existing Productive Public Work, in the same System.

The Capital outlay involved in this change of classification is shown below :—

	R
Direct	7,71,847
Indirect	66,215
TOTAL	8,38,062

of Chief and Superintending Engineers attached to the Irrigation, Roads and Buildings Branch, with effect from the date specified:—

Name.	From	To	With effect from
Joselyne, D.	Chief Engineer, 1st class, temporary rank.	Chief Engineer, 2nd class	1901. 23rd October.
Palmer, C. G., C.I.E.	Chief Engineer, 2nd class, temporary rank.	Chief Engineer, 3rd class	"
Perram, G. J	Chief Engineer, 3rd class, temporary rank.	Superintending Engineer, 1st class, and Officiating Chief Engineer.	"
Murray, F. C.	Superintending Engineer, 1st class, temporary rank.	Superintending Engineer, 2nd class.	"
Boyce, H. G.	Superintending Engineer, 2nd class, temporary rank.	Superintending Engineer, 3rd class.	"
White, G. G.	Superintending Engineer, 3rd class, temporary rank.	Executive Engineer, 1st grade, and Officiating Superintending Engineer.	"

The 12th December, 1901.

No. 502.—The following promotion and reversions are ordered in the Superior Accounts Branch:—

Name.	From	To	Nature of promotion.	With effect from
W. E. Curry	Examiner, 4th class, 2nd grade.	Examiner, 4th class, 1st grade.	S. p. t. . .	5th November, 1901.
G. H. leMaistre	Examiner, 4th class, 1st grade, s. p. t. (super-numerary).	Examiner, 4th class, 2nd grade (super-numerary).	...	Ditto.
S. K. L. Yeats	Examiner, 4th class, 1st grade, s. p. t.	Examiner, 4th class, 2nd grade.	...	Ditto.

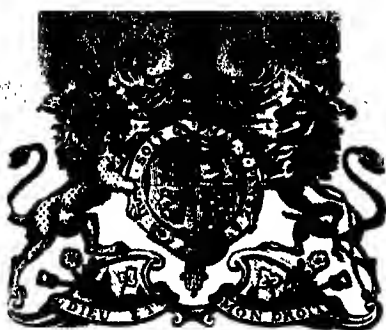
The 13th December, 1901.

No. 510.—The Governor General in Council is pleased to order the following promotion and reversions of Chief and Superintending Engineers attached to the Irrigation, Roads and Buildings Branch, with effect from the dates specified:—

Names.	From	To	Nature of promotion.	With effect from
Jacob, L. M.	Superintending Engineer, 1st class, temporary rank.	Superintending Engineer, 2nd class.	...	29th October, 1901.
Ivens, J. H. A.	Superintending Engineer, 2nd class, temporary rank.	Superintending Engineer, 3rd class.	...	Ditto.
Watts, G. K.	Superintending Engineer, 3rd class.	Superintending Engineer, 2nd class.	Temporary	Ditto.
Grant, A.	Superintending Engineer, 2nd class, temporary rank.	Superintending Engineer, 3rd class, temporary rank.	...	Ditto.
Nicolls, J. R. C.	Superintending Engineer, 3rd class, temporary rank.	Executive Engineer, 1st grade	...	Ditto.
Algie, W.	Superintending Engineer, 2nd class, temporary rank.	Superintending Engineer, 3rd class, sub. pro tem.	...	6th November, 1901.
Mackenzie, N. F.	Superintending Engineer, 3rd class, temporary rank.	Executive Engineer, 1st grade, and Officiating Superintending Engineer.	...	Ditto.
Newton, W. G.	Superintending Engineer, 2nd class, temporary rank.	Superintending Engineer, 3rd class.	...	18th November, 1901
Atkinson, R. P.	Superintending Engineer, 3rd class, temporary rank.	Executive Engineer, 1st grade.	...	* Ditto.
Higgins, A. F.	Superintending Engineer, 1st class, temporary rank.	Superintending Engineer, 2nd class.	...	24th November, 1901.
Coode, M. P.	Superintending Engineer, 2nd class, temporary rank.	Superintending Engineer, 3rd class.	...	Ditto.
Algie, W.	Superintending Engineer, 3rd class, sub. pro tem.	Executive Engineer, 1st grade.	...	Ditto.
Benton, J.	Chief Engineer, 3rd class, sub. pro tem.	Superintending Engineer, 1st class.	...	11th December, 1901.
Toogood, J. H.	Superintending Engineer, 1st class, sub. pro tem.	Superintending Engineer, 1st class, temporary rank.	...	Ditto.
Muhaly, J. J.	Superintending Engineer, 1st class, temporary rank.	Superintending Engineer, 2nd class.	...	Ditto.
Baker, H. V. S.	Superintending Engineer, 2nd class, sub. pro tem.	Superintending Engineer, 3rd class.	...	Ditto.
Colbrook, H. W. V.	Superintending Engineer, 2nd class, temporary rank.	Executive Engineer, 1st grade, and Officiating Superintending Engineer.	...	Ditto.

C. W. ODLING,

Offg. Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 14, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, etc.

GAZETTE OF INDIA.

NOTICE.

The 30th September, 1901.

From the 9th November next till further notice, the complete *Gazette of India* will be published at Calcutta. After the 2nd November all Notifications and other matter intended for publication in the Gazette should be addressed to the Publisher, 8, Hastings Street, Calcutta.

Attention is invited to the following Circular Memo. of the Government of India, Home Department, of August, 1901:—

"It has been brought to the notice of this Department that matter for the *Gazette of India* is sometimes sent to the Press late on Friday evenings for publication in the next day's Gazette, and that this involves considerable inconvenience to the Press and expense to Government. In the Circular Memorandum of this Department, No. 777—79, dated 9th February, 1870, the Government of India directed that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Press not later than 2 P.M. on Friday, and that any papers sent thereafter must be certified to be extremely urgent in order to ensure their appearance in the next day's Gazette. The undersigned is directed to request that these orders may be more strictly observed in future and that Departments will refrain from sending to the Press as extremely urgent any papers which can without harm or inconvenience be held over for the next Gazette."

J. P. HEWETT,

Secretary to the Government of India.

Rates of subscription.

	Per annum.
R. a. p.	
Subscription for <i>Gazette</i> and Supplement	15 0 0
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Postage	2 8 0
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By order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the date on which it is due.

W. ROSS,

Publisher, *Gazette of India*.

H A

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.

INVENTIONS and DESIGNS.

Calcutta, the 11th December 1901.

NOTIFICATIONS.

No. 3891 P.—APPLICATIONS in respect of the undermentioned inventions have been filed, under the provisions of the Inventions and Designs Act of 1888, in the office of the Secretary appointed under that Act during the week ending 7th December, 1901 :—

No. 460 of 1901.—Dossabhoy Rustomji Choksey, gold and silver smith, Baherkote, Bombay.
Improvements in fibre extractors.

No. 461 of 1901.—Benjamin Garver Lamme, electrical engineer, of 230, Stratford avenue, Pittsburg, Pennsylvania, U. S. A. *Improvements in windings for electrical machines.*

No. 462 of 1901.—Alfred Brake, aerated water manufacturer, of 80, Abbeyville road, Clapham, in the county of London, England. *An apparatus for drawing off liquids.*

No. 463 of 1901.—Robert John Baldrey, a retired officer of the public works and railway services in India, and at present residing in Ootacamund, Nilgiris, India. *A system of railway line construction, by which method a cheaper and more permanent line than those existent can be carried out.*

No. 464 of 1901.—Robert John Baldrey, a retired officer of the public works and railway services in India, and at present residing in Ootacamund, Nilgiris, India. *A grip mono-rail system to be worked by steam, electricity or animal power.*

No. 465 of 1901.—Gomer Emons Hihley, capitalist, of the Temple, Chicago, Illinois, one of the U. S. A. *Improvements in the art of condensing steam and cooling fluids.*

No. 466 of 1901.—Albert Walter Sullivan and William Renshaw, engineers, of, respectively, 4575 Lake avenue and 4421 Ellis avenue, Chicago, Cook county, Illinois, U. S. A. *Improvements in railway passenger coaches.*

No. 467 of 1901.—Balfour Fraser McTear, engineer, of Brook cottage, Rainhill, in the county of Lancaster, England. *Improvements in or connected with the manufacture of steel or hard metal tubes or tubular bodies.*

No. 468 of 1901.—Siegmond Nelke, director, of 9, Pfaffendorferstrasse, Liepzig, in the empire of Germany. *A new or improved process of tanning.*

No. 469 of 1901.—Simeon Caripiet Aratoon, apprentice chromo-lithographer, 14, Wood street, Calcutta. *An uncommon photographic stand.*

No. 470 of 1901.—Francis William Tytler, superintendent, railway mail service, Madras. *An improved finishing process in preparing fibres from the leaves of the agave and similar plants, to be called "Tytler's improved process."*

No. 471 of 1901.—Alfred James Saville and Logie Pirie Watson, leather goods manufacturers, both of the civil lines, Cawnpore. *Improvements in gaiter fasteners.*

No. 3892 P.—SPECIFICATIONS of the undermentioned inventions have been filed, under the provisions of the Inventions and Designs Act of 1888, in the office of the Secretary appointed under that Act, and copies have been sent to the Governments of Madras, Bombay and Burma, and the Director of the Department of Land Records and Agriculture, North-Western Provinces and Oudh. These and other specifications are open to public inspection, from 11 A.M. to 4 P.M., at the Secretary's office (Imperial Secretariat, Government Place, West, Calcutta), on payment of a

fee of one rupee, and a certified copy of any one of them will be supplied on payment of the fixed expenses of copying.

No. 174 of 1901.—The Eysen-Packer Defibrator Company, a corporation organized under the laws of the state of New Jersey, and having an office at 60 Grand street city of Jersey city, county of Hudson, state of New Jersey, U. S. A. *A machine for defibrating ramie and other fibrous plants.* (Specification filed 3 December 1901.)

No. 185 of 1901.—George Jones Atkins, metallurgical chemist, of the Laboratory, Ruskin road, Tottenham, in the county of Middlesex, England. *Improvements in the electrolysis of chlorides of metals of the alkalies and alkaline earths for the purpose of obtaining chlorine, and apparatus therefor.* (Specification filed 3 December 1901.)

No. 186 of 1901.—George Jones Atkins, metallurgical chemist, of the Laboratory, Ruskin road, Tottenham, in the county of Middlesex, England. *Improvements in the manufacture of chlorine, and in the employment thereof for bleaching, for disinfecting, for the treatment of metals and metallic ores, and so forth.* (Specification filed 3 December 1901.)

No. 197 of 1901.—The American Cigar Machinery Company, a corporation organized in accordance with the laws of the state of Connecticut, U. S. A., and having its office at Sharon in the state of Connecticut aforesaid. *Improvements in cigar-making machinery.* (Specification filed 3 December 1901.)

No. 314 of 1901.—The Hall Signal Company, manufacturers, a corporation organized and existing under and by virtue of the laws of the state of Maine, U. S. A., and having its principal place of business at No. 25, Broad street, in the city of New York, state of New York, U. S. A. *Improvements in apparatus for operating signals and other objects.* (Specification filed 30 November 1901.)

No. 352 of 1901.—Eduard Scharrer, manufacturer, of Cannstatt, Wurtemberg, in the empire of Germany. *Improvements in beams or rails for loading and unloading goods and the like.* (Specification filed 30 November 1901.)

No. 369 of 1901.—Frank Clarence Newell, electrical engineer, of 526, Wallace avenue, Pittsburgh, Allegheny, Pennsylvania, U. S. A. *Improvements in electric braking apparatus for electrically propelled vehicles.* (Specification filed 3 December 1901.)

No. 3893 P.—THE fees prescribed in the fourth schedule to the Inventions and Designs Act of 1888 have been paid for the continuance of exclusive privilege in respect of the undermentioned inventions for the periods shown against each :—

No. 69 of 1895.—Otto Anz. *Improvements in the production of silks from cocoons, specially from the so-called wild silk cocoons (tussah and others).* (From 18 November 1901 to 18 November 1902.)

No. 147 of 1895.—William Bull. *Improvements in burning bricks and tiles.* (From 2 December 1901 to 2 December 1902.)

No. 145 of 1896.—Alister MacNab. *An improvement in the treatment of bay salt.* (From 8 December 1901 to 8 December 1902.)

No. 406 of 1896.—Fredrik Ljungstrom. *Improvements in evaporating or heating apparatus.* (From 27 February 1902 to 27 February 1903.)

No. 200 of 1897.—Charles John Westwood and John George Baxter. *Improvements in buckles and the like.* (From 2 December 1901 to 2 December 1902.)

No. 208 of 1897.—William Thomas Owen and Thomas Thatcher. *An improved composition applied to the permanent way of railways to destroy vegetation, preserve the timber from decay, and the rails and fastenings from oxidation.* (From 19 January 1902 to 19 January 1903.)

No. 403 of 1897.—William Charles Kipling and Edward Arnold. *Improvements in and relating to waterproofing silk, cotton, wool and other fibrous substances, and fabrics made therefrom.* (From 14 December 1901 to 14 December 1902.)

No. 434 of 1897.—Milton Franklin Williams. *Improvements in breaking, crushing and pulverizing machines.* (From 14 February 1902 to 14 February 1903.)

No. 3894 P.—WHEREAS the inventors of the undermentioned inventions have respectively failed to pay, within the time limited in that behalf by the fourth schedule to the Inventions and Designs Act of 1888, the fees hereinafter respectively mentioned it is hereby notified that under the provisions of section 8, sub-section (2) of the said Act, the exclusive privilege of making, selling, and using the said inventions in British India, and of authorising others so to do, has ceased:—

No. 412 of 1896.—Cooverji Mancherji Mistry. *Improvement of the durability of tower bolts attached to doors, shutters, etc.* (Specification filed 17 August 1897.)

No. 45 of 1897.—Frederick Henry Haviland, Arthur Holloway, John Bruce Collier and William Henry Murch. *An improved method of and apparatus for the production of calcium carbide.* (Specification filed 23 August 1897.)

No. 63 of 1897.—The Dairy Supply Company, Limited. *Improvements in apparatus for sterilising milk, cream and other alimentary liquids.* (Specification filed 23 August 1897.)

No. 64 of 1897.—The Dairy Supply Company, Limited. *Improvements in apparatus for sterilising milk and other liquids.* (Specification filed 23 August 1897.)

No. 109 of 1897.—Emil Claviez. *An improved double-acting jacquard machine.* (Specification filed 23 August 1897.)

No. 151 of 1897.—John Davy Williams and Louis Denhame Gibson. *A method and apparatus for treating the air in mines in order to control noxious gases.* (Specification filed 17 August 1897.)

No. 162 of 1897.—Hermann Briesemeister. *Improvements in stoves.* (Specification filed 17 August 1897.)

No. 226 of 1897.—William Henry Dacre Tyler, Thomas Hann and William Bromley. *Improvements in or connected with velocipedes and other vehicles.* (Specification filed 17 August 1897.)

Fee in respect of the continuance of an exclusive privilege—

4 (a) After the filing of the specification and before the expiration of the fourth year from the date of the filing thereof—

The sum of Rs 50 for each of the above inventions.

No. 342 of 1895.—Alfred Francis Bilderbeck Gomess. *An improved process for the treatment of textile vegetable fibres, more especially applicable to those of the urtica family.* (Specification filed 20 August 1896.)

No. 167 of 1896.—John Carnrick. *A digestive compound.* (Specification filed 21 August 1896.)

Fee in respect of the continuance of an exclusive privilege—

4 (b) After the expiration of the fourth year and before the expiration of the fifth year from the date of the filing of the specification—

The sum of Rs 50 for each of the above inventions.

No. 159 of 1888.—John Vicars, Thomas Vicars and John Vicars, the younger. *Improvements in apparatus for feeding fuel to steam generator furnaces.* (Specification filed 17 August 1889.)

Fee in respect of the continuance of an exclusive privilege—

4 (c) After the expiration of the eleventh year and before the expiration of the twelfth year from the date of the filing of the specification—

The sum of Rs 100 for the above invention.

NOTICES.

All communications relating to Act V (the Inventions and Designs Act) of 1888 should be addressed to the "Secretary to the Government of India, Department of Revenue and Agriculture (PATENTS BRANCH), CALCUTTA."

The Office of the Secretary under the Act is open for the transaction of business from 11 A.M. to 4 P.M. on all days, except Sundays and gazetted holidays.

The Government of India are advised that, as trade marks are not "designs" within the meaning of the Act, they cannot be registered under Part II.

The fees payable under the fourth and sixth schedules are now collected in cash, and applicants are warned that they must be responsible for any delay in cashing cheques.

Copies of the weekly notifications, and of the quarterly lists, of applications and specifications filed in the Secretary's office are now on sale to the public at one anna and eight annas a copy respectively.

Attention is requested to the rules made by the Government on the 10th October, 1895, in regard to the preparation of applications, specifications, and drawings.

All applications made under the Inventions and Designs Act, V of 1888, will from this date (December 10th, 1896) lie in the visitor's room of the Patents Office for ten days from the date of the *Gazette of India* in which their filing may have been notified; or, if the tenth day is a holiday, till the evening of the office day next following.

At the time of delivering or sending an application for leave to file a specification, the applicant shall cause a duplicate copy of the application to be delivered or sent therewith to the Secretary.

S. C. HILL,

Secretary under the Inventions and
Designs Act, 1888.

DEPARTMENT OF ISSUE OF PAPER CURRENCY.

Calcutta, the 11th December, 1901.

Abstract of the Accounts of the Department of Issue of Paper Currency on the
7th December, 1901.

	TOTAL AMOUNT OF NOTES IN CIRCULATION.			RESERVE IN COIN AND BULLION.				
	In Reserve Treasuries.	Elsewhere.	TOTAL.	Silver Coin.	Gold Coin and Bullion.	Gold held in England under Act VIII of 1900.	Silver held as Security for Notes under Act VIII of 1900.	TOTAL.
	R	R	R	R	R	R	R	R
Calcutta	1,39,90,000	11,34,40,540	12,74,30,540	3,77,69,084	1,94,39,552	...	...	5,32,08,636
Allahabad	...	1,35,55,360	1,35,55,360	1,18,06,604	16,84,245	...	...	1,34,90,849
Lahore	...	2,30,93,250	2,30,93,250	73,74,010	21,30,210	...	...	95,04,220
Bombay	62,08,815	8,26,69,600	8,88,78,415	2,70,96,299	3,45,40,695	...	...	6,16,36,994
Karachi	...	78,11,070	78,11,070	16,47,130	16,27,275	...	...	32,74,405
Madras	34,92,820	2,78,93,935	3,13,80,755	2,13,04,850	44,30,700	...	...	2,57,95,550
Calicut	...	21,54,035	21,54,035	9,90,255	34,455	...	...	10,24,710
Rangoon	...	1,03,70,920	1,03,70,920	3,18,26,830	35,08,200	...	...	3,53,35,030
	2,36,91,635	28,09,88,710	30,46,80,345					
Deduct—Withdrawn from circulation by Foreign Circles and in course of remittance to Circles of Issue			14,10,005					
TOTAL R			30,32,70,340	13,58,75,062	6,73,95,332	...	...	20,32,70,394
Deduct—Amount due on Bills drawn by one Circle on another								NIL
NET TOTAL R								20,32,70,394
Price paid for Government Securities of the nominal value of Rs 10,20,81,500, held under section 19 of the Indian Paper Currency Act, XX of 1882								9,99,99,940
GRAND TOTAL R								30,32,70,340

A. F. COX,

Head Commissioner of Paper Currency.

Statement of the Affairs of the Bank of Bengal for the week ending 10th December, 1901.

By order of the Directors.
W. D. CRUICKSHANK,
Secretary and Treasurer

E. J. BIRCH,
Chief Accountant.
Rate for Demand Loans 4 per cent.
Percentage 48.05.

NOTIFICATIONS.

No. 26.—In exercise of the powers conferred upon the Local Government by section 49 (1) North-West Frontier Province Law and Justice Regulation, VII of 1901, the Honourable the Chief Commissioner is pleased to establish, with effect from the 9th November, 1901, a Divisional Court consisting of one Judge for each of the Civil Divisions constituted under section 48 of the said Regulation by Notification No. 2, dated the 9th November, 1901, published at page 1304 of the *Gazette of India*, dated the 16th idem, Part II, and to appoint, with effect from the 9th November, 1901, the persons named in the second column of the schedule annexed, to be the Judges of the Courts of the Civil Divisions specified in the first column of the said schedule opposite their names:—

No. 27.—In exercise of the powers conferred upon the Local Government by section 9 (1) of the Criminal Procedure Code, 1898, the Honourable the Chief Commissioner is pleased to establish with effect from the 9th November, 1901, a Court of Session for each of the Sessions Division constituted under section 7 of the said Act by Notification No. 2, dated the 9th November, 1901 published at page 1304 of the *Gazette of India*, Part II, dated the 16th idem, and to appoint with effect from the 9th November, 1901, the persons named in the second column of the schedule

annexed Sessions Judges of the Courts of Session entered opposite to their names in the first column of the said schedule—

1 Courts of Session established in the Sessions Divisions.	2 Sessions Judges appointed to the Courts of Sessions established in the Sessions Divisions entered in column 1.
Peshawar : : : : : Derajat : : : : :	Major E. Inglis. Mr. F. Field.

The 7th December 1901.

No. 28.—Lieutenant G. Browse, I.M.S., assumed charge of the Civil Medical duties of Kurram on the forenoon of the 23rd November, 1901, relieving Captain T. A. Granger, I.M.S.

TRANSFER.

The 7th December, 1901.

No. 29.—Mr. E. R. Hill, Extra Assistant Commissioner, from the Peshawar to the Kohat District, where he assumed charge of his duties on the forenoon of the 25th November, 1901.

POWERS.

The 7th December, 1901.

No. 30.—Under the provisions of section 58 (1) of the North-West Frontier Province Regulation No. VII of 1901, Mr. H. A. Sams, Assistant Commissioner, is invested with the powers of a Munsif of the 1st Class, with respect to cases generally, within the limits of the Civil District of Peshawar.

2. The Honourable the Chief Commissioner is pleased to direct that Mr. H. A. Sams shall be deemed for the purposes of the said Regulation to be a Munsif.

No. 31.—Under the provisions of section 58 (1) of the North-West Frontier Province Regulation, No. VII of 1901, Mr. G. Connor, Extra Assistant Commissioner, is invested with the powers of a Munsif of the 1st Class, with respect to cases generally, within the limits of the Civil District of Peshawar.

2. The Honourable the Chief Commissioner is pleased to direct that Mr. G. Connor shall be deemed for the purposes of the said Regulation to be a Munsif.

No. 32.—Under the provisions of section 58 (1) of the North West-Frontier Province Regulation No. VII of 1901, Mr. E. R. Hill, Extra Assistant Commissioner, is invested with the powers of a Munsif of the 1st Class, with respect to cases generally, within the limits of the Civil District of Kohat.

2. The Honourable the Chief Commissioner is pleased to direct that Mr. E. R. Hill shall be deemed for the purposes of the said Regulation to be a Munsif.

No. 33.—Under the provisions of the section 4 (1) of the Frontier Crimes Regulation No. III of 1901, the Honourable the Chief Commissioner is pleased to appoint Mr. F. B. R. Spencer, Extra Judicial Assistant Commissioner, to be Additional District Magistrate in the District of Dera Ismail Khan, with effect from the date of his posting to Tank, *viz.*, the afternoon of the 9th November, 1901.

Mr. F. B. R. Spencer is invested under section 30, of the Code of Criminal Procedure, 1898, with power to try as a Magistrate all offences not punishable with death.

APPOINTMENT.

The 9th December, 1901.

No. 34.—The Reverend A. H. Storrs is appointed to officiate as Chaplain of the Derajat, with effect from such date as he may assume charge of his duties, *vice* the Reverend E. H. B. Slade, proceeding on privilege leave.

By Order,

R. I. R. GLANCY,

*Asstt. Secretary to the Agent to the Govr.-General and
Chief Commissioner, N.-W. Frontier Provinces.*

ERRATUM.

The 3rd December, 1901.

Vide Notification No. 10, dated 20th November, 1901, published in Part II, *Gazette of India*, dated 30th November, 1901, page 1341.

For "Hahihat Rai" in third line, read "Hakikat Rai".

By Order,

A. H. GRANT,

*Secretary to the Agent to the Govr.-General and
Chief Commissioner, N.-W. Frontier Provinces.*

NORTH-WEST FRONTIER PROVINCE, PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

resnuwar, the 5th December, 1901.

No. 1.—Whereas it appears to the Chief Commissioner of the North-West Frontier Province that land is required by Government for a public purpose, namely, for right approach to the Dori river in mile 36 of Hazara Trunk road, 1st section, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

DISTRICT.	Parganah.	Mouzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara	Abbottabad	Langra	2'11	North and south	Bounded partly by cultivation and partly by waste land.	Plans can be inspected in the office of the Executive Engineer, Hazara Provincial Division at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act, the Deputy Commissioner, Hazara District, is hereby directed to take order for the acquisition of the land specified above.

No. 2.—Whereas it appears to the Chief Commissioner, North-West Frontier Province that land is required by Government for a public purpose, namely, improving the road from Abbottabad to Garhi Habibulla in mile No. 26, it is hereby declared that the undermentioned land is required for the said purpose :—

*f. Acc
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Specifige 48 95 of Land.*

DISTRICT.	Parganah.	Mouzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara	Mansehra	Uttershisha and Phagla.	1'49	Nearly parallel to existing road north-east.	Cultivated land of the villages named.	Plans for this work can be seen at Executive Engineer's office at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act, the Deputy Commissioner, Hazara District, is hereby directed to take order for the acquisition of the land specified above.

No. 3.—Whereas it appears to the Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, improving the road from Abbottabad to Garhi Habibullah in miles 26 and 27, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

DISTRICT.	Parganah.	Mouzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara	Mansehra	Phagla	2'58	North-east	Waste land and cultivation of village named.	Plans for this work can be seen at Executive Engineer's office at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act, the Deputy Commissioner, Hazara District, is hereby directed to take order for the acquisition of the land specified above.

No. 4.—Whereas it appears to the Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, for improvements to Hazara Trunk

road, 2nd section, miles 11 and 12, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

District.	Parganah.	Mouzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara	Manshra	Data	1.4	North and south, close to Manshra, Abbottabad road.	Cultivated and wasteland belonging to village of Data.	The plans can be seen in the office of Executive Engineer, Hazara Provincial Division, Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act, the Deputy Commissioner, Hazara District, is hereby directed to take order for the acquisition of the land specified above.

No. 5.—Whereas it appears to the Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, improvements to Hazara Trunk road, 2nd section, in mile 24 (Matrandi Nullah Diversion), it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

District.	Parganah.	Mouzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara	Manshra	Mundihar and Uppershisha.	4.60	North-east	Cultivated and waste land belonging to the villages named.	Plans can be inspected in Executive Engineer's office at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act the Deputy Commissioner, Hazara District, is hereby directed to take order for the acquisition of the land specified above.

No. 6.—Whereas it appears to Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, 1st class Sadler Police Station, Bannu, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

District.	Parganah.	Mouzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Bannu	Bannu	Fatmakhel, large.	0.80	About 30 feet south-east of Perathala.	192' x 182' the whole site at north-east of pacca masjid.	Executive Engineer's office, Kohat Provincial Division.

This declaration is made under the provisions of section 6, Act X of 1870, and under section 7 of the said Act, the Deputy Commissioner, Bannu, is hereby directed to take order for the acquisition of the land specified above.

G. K. SCOTT-MONCRIEFF, *Lt.-Col., R.E.*,
Secretary to Chief Commissioner,
N.-W. Frontier Province, P. W. Dept.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 5th December, 1901.

No. 34.—Mr. A. B. Larkins, Deputy Director General of Telegraphs, is granted privilege leave for one month under Civil Service Regulations, article 291, in combination with furlough for five months under articles 264-A and 340 (b), with effect from the forenoon of the 22nd November, 1901.

The 9th December, 1901.

No. 36.—Mr. M. G. Simpson, Superintendent, Class V, 2nd grade, is granted privilege leave for two months and fourteen days under Civil Service Regulations, article 291, in combination with furlough for nine months and sixteen days under articles 264-A and 340(b), with effect from the forenoon of the 6th December, 1901.

FRED. MACLEAN,

Director General of Telegraphs.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 4th December, 1901.

No. 37.—Second class Military Assistant Surgeon Alfred Beale, of the Indian Subordinate Medical Department, Bombay Command, attached to the Medical Store Depot, Bombay, is granted 30 days' privilege leave from 3rd January, 1902, to 1st February, 1902, both days inclusive.

E. ROBERTS, M.B.,

*Major, I.M.S.**for Director-General, Indian Medical Service.*

THE HONOURABLE THE AGENT TO THE GOVERNOR-GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 5th December, 1901.

No. 6330-G-178.—With reference to Foreign Department Notifications Nos. 286-I and 287-I, dated the 23rd January 1884, as amended by Foreign Department Notification No. 1692-I. A, dated the 30th April 1901, the Honourable the Agent to the Governor-General in Rajputana is pleased to appoint Mr. R. C. H. M. King, I.C.S., to be the Magistrate of Abu, *vice* Captain A. B. Minchin, C.I.E., I.S.C., with effect from the 4th December 1901.

By order,

R. M. KING,

First Assistant Agent to the Governor-General, Rajputana.

THE HON'BLE THE AGENT TO THE GOVERNOR-GENERAL IN BALUCHISTAN.

NOTIFICATIONS.

Quetta, the 3rd December, 1901.

No. 10349.—In exercise of the powers conferred by clause (b) of section 3 of the Quetta Municipal Law, the Agent to the Governor-General is pleased to nominate the following persons to be members of the Quetta Municipal Committee during the year 1902 :—

- (1) The Civil Surgeon.
- (2) The Cantonment Magistrate.
- (3) The District Superintendent of Police.
- (4) The Executive Engineer, North Western Railway, Frontier Section, Quetta.
- (5) The Extra Assistant Commissioner, Quetta.
- (6) Rai Sahib Basant Singh, Sub-Divisional Officer, Military Works Department, Quetta.
- (7) Khan Bahadur Arbab Khudadad Khan, Kasi.
- (8) Khan Bahadur Burjorjee D. Patel, Honorary Magistrate.
- (9) Rai Sahib Seth Bikh Chand, Honorary Magistrate.
- (10) Muhammad Ali Allibhoy, Honorary Magistrate.
- (11) Khan Sahib Malik Wazir Muhammad Khan, Kasi.
- (12) Ardeshir Dossabhoy, Marker, Honorary Magistrate.
- (13) Seth Hira Mall.
- (14) Lala Narayan Dass.

No. 10356.—Under section 12 of the Code of Criminal Procedure, 1898, as applied to the territories administered by the Agent to the Governor-General in Baluchistan as such Agent, the Agent to the Governor-General is pleased to appoint the Munsiff of the Railway Tahsil to be a Magistrate of the 2nd Class in the Railway sub-division.

By Order,

A. L. JACOB, *Captain,**Second Assistant.**The 6th December, 1901.*

No. 10468.—In continuation of Notification No. 1755-C, dated the 2nd September, 1901, and in exercise of the powers conferred by section 44 of the Excise Act, (XII of 1896, as applied to the territories administered by the Agent to the Governor-General in Baluchistan as such Agent, the Agent to the Governor-General is pleased to invest the officer in charge of the Quetta Cantonment Police station with the powers conferred on Excise Officers by sections 36, 37 and 38 of the Act to be exercised within the limits of the Quetta Cantonment Police Station only.

By order,

A. MCCONAGHEY, *Captain,**First Assistant.*

THE HONOURABLE THE RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 5th December, 1901.

No. 6057.—Mr. W. McHutchin, Superintending Engineer, 3rd class, temporary rank, Superintending Engineer, Western Circle, Mysore State, is under articles 264A and 348 of the Civil Service Regulations, granted privilege leave for 2 months and 11 days, and in continuation special leave on urgent private affairs for 3 months and 19 days, from the 8th January 1902, or date of relief.

By Order,
L. RUSSELL,
First Assistant Resident.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Roorkee, the 4th December 1901.

A Registry Office for men of the under-mentioned grades is kept up by the Principal, Thomason College, Roorkee, officers and employers of labour requiring men are requested to apply to the Principal.

1. Engineers.
2. Overseers.
3. Sub-Overseers.
4. Draftsmen.
5. Press workers.
6. Photo-Mechanical workers.
7. Mechanical apprentices.
8. Metal and wood carvers.

The 10th December, 1901.

The Thomason College, Roorkee, are prepared to carry out the following tests at Roorkee:—

Materials.—Tensile tests.—To 100 tons per square inch.

Bending tests for ductility.—To doubling iron, steel, etc., up to one square inch area.

Chemical.—Quantitative and qualitative.

Electrical.—Standardization and examination of switch boards, testing instruments and machinery for electric power installations.
Rontgen Ray examination.

Limestone.—Chemical analysis.

Coal.—Tests of calorific value.

Lime and Cement mortars.—Tensile tests.

Moulds for brequettes for lime and cement and mortar tents with forms of instruction can be obtained from the Principal, Thomason College, or the moulds can be hired, if preferred.

A small fee will be charged for carrying out these tests, details of which can be obtained on application to the undersigned.

E. ATKINSON, Captain, R.E.,
Officiating Principal, Thomason College.

ROYAL INDIAN MARINE.

NOTIFICATION.

FURLOUGH AND LEAVE.

Bombay, the 30th November, 1901.

No. 24.—The undermentioned officer is granted leave in India on Medical Certificate, and the rules contained in paragraph 131, Marine Regulations, India, Volume I, Part II, with effect from the date specified:—

Lieutenant C. W. Ramsay, for 30 days,
21st November, 1901.

S. GOODRIDGE,
Director of the Royal Indian Marine.

DIRECTOR OF RAILWAY TRAFFIC.

NOTIFICATION.

Calcutta, the 7th December, 1901.

No. 41.—With reference to Public Works Department Notification No. 241, dated the 11th June, 1901, Mr. G. Hales, Assistant Traffic Superintendent in class III, grade 2, of the Superior Revenue Establishment of State Railways and Officiating District Traffic Superintendent, will continue to officiate as District Traffic Superintendent in class II of that establishment, until further orders.

G. F. WILSON, Col., R.E.,
Director of Railway Traffic.

TREASURE TROVE.

NOTICE.

In accordance with the provisions of section 5 of Act VI of 1878, notice is hereby given to all whom it may concern that on 15th day of July 1901 certain Treasure to wit:—

	R. a. p.
Rupees (55) fifty-five of the Bijapur Currency and one-half Rupee of the Bijapur Currency, weighing altogether 54½ tolas and approximately valued at .	41 1 0
Six gold amulets about half a tola in weight and of the value of about .	12 0 0
TOTAL	53 1 0

was found in the Gaothan of the village of Zitwála, Taluka Kalyan, District Thana, and all persons claiming the said treasure or any part thereof are hereby required to appear personally or by agent before the Mamlatdar of Kalyan on the 2nd of April 1902 at Kalyan, where the Mamlatdar will proceed to hold an enquiry in accordance with the provisions of the Act.

B. C. NOHAIKAR,
Collector.

KALYAN;
The 18th November, 1901.

**THE HONOURABLE THE CHIEF
COMMISSIONER, AJMER-
MERWARA.**

NOTIFICATION.

Abu, the 6th December, 1901.

No. 1552-G—328 XJ.—Munshi Harnam Dass, Extra Assistant Commissioner, 2nd grade, Ajmer, is granted five weeks' privilege leave, with effect from the 10th November 1901 or the subsequent date on which he availed himself of the same.

By order,

R. M. KING,

*First Assistant to the Governor-General's Agent,
Rajputana, and Chief Commissioner,
Ajmer-Merwara.*

**ACCOUNTANT GENERAL, PUBLIC
WORKS DEPARTMENT.**

NOTIFICATIONS.

ESTABLISHMENT.

Calcutta, the 12th December, 1901.

No. 11.—Mr. A. W. Smart, Assistant Examiner of Accounts, is transferred from the office of the Examiner of Public Works Accounts, Punjab, to that of the Examiner of Public Works Accounts, Assam.

No. 12.—Mr. W. F. Milne, Assistant Examiner of Accounts, is transferred from the office of Examiner of Accounts, Oudh and Rohilkhand Railway, to that of the Examiner of Guaranteed Railway Accounts, Madras.

R. N. BURN,

Accountant General.

**MILITARY ACCOUNTS
DEPARTMENT.**

NOTIFICATION.

Calcutta, the 9th December, 1901.

No. 64.—The undermentioned officer has been granted an extension of leave by the Secretary of State for India :—

Captain H. G. W. Chandler, I.S.C., Assistant Military Accountant, 2nd class (p. a), for one month.

J. A. MILEY, Colonel,

Accountant General, Military Department.

NOTICE.

"The office of the Board of Examiners will be removed from No. 17, Elysium Row to No. 26, Mangoe Lane (late Agra Bank Building)

REPORT OF DESERTION.

Report of a Deserter or Absentee without leave from the 7th Battalion, Durham Light Infantry Regiment, dated at Wellington, this 3rd day of December, 1901.

Number, Rank, and Name,—3304 L.-C. Fredk. Wm. Vane.	Parish and County in which born,—Islington, Midd ^x , England.
Age,—36 years.	Date of absence,—1st December, 1901.
Height,—5 feet 8 inches.	Place of absence,—Malapuram.
Colour of—Complexion, pale; hair, dark brown; eyes, hazel.	Marks,—Two dots back of right forearm; three small pits, above right side of mouth.
Trade,—Tailor.	Under four years' service.
Date of Enlistment, 12th October, 1888. (deserted, service now counts from 4th May 1898).	
Place of Enlistment,—Hounslow.	

A. PAGET, Lieut.-Col.,

Commanding 7th Battalion, Durham Light Infantry.

Report of a Deserter or Absentee without leave from the 2nd Battalion, Royal Munster Fusiliers Regiment, dated at Cawnpore, this 10th day of December, 1901.

Number, Rank, and Name,—M. F.—4962, Private John Walker.	Parish and County in which born,—St. John's, Limerick.
Age,—25 years 6 months.	Date of desertion or absence,—7th December, 1901.
Height,—5 feet 5½ inches.	Place of desertion or absence,—Cawnpore.
Colour of—Complexion, fresh; hair, brown; eyes, grey.	Marks,—Scar on right eyebrow and below left knee.
Trade,—Labourer.	Without leave.
Date of enlistment,—15th July, 1895.	Under 7 years' service.
Place of Enlistment,—Limerick.	

G. S. ORMEROD, Major,

Commanding 2nd Battalion, Royal Munster Fusiliers.

Report of a Deserter or Absentee without leave from the 2nd Battalion, Royal Munster Fusiliers Regiment, dated at Cawnpore, this 10th day of December, 1901.

Number, Rank, and Name,—M. F.—3900, Private William Osborne.	Parish and County in which born,—St. Mary's Colchester.
Age,—28 years.	Date of desertion or absence,—6th December, 1901.
Height,—5 feet 10 inches.	Place of desertion or absence,—Cawnpore.
Colour of—Complexion, fresh; hair, dark brown; eyes, grey.	Marks,—Scar on right knee.
Trade,—Labourer.	Without leave.
Date of Enlistment,—3rd December, 1891.	Under 10 years' service.
Place of Enlistment,—Colchester.	

G. S. ORMEROD, Major,

NOTIFICATIONS.

Director-General of the Post Office of India.

*Manufactured at the Bengal Government
Cinchona Plantation.*

বিক্রমে, শর গবর্ণমেন্টের সিন্‌কোনা আবাদে প্রস্তুত
বিশুদ্ধ কুইনাইন।

পত্রিকা করিয়া দেখা গিয়াছে যে এই দুইনাইন আঁত বিপুল রূপে
প্রস্তুত করা হইয়াছে, এবং ইহা যে সিন্‌কোনাইন ও সিন্‌কোনি-
কটিন ব্যতীত অন্যতর কোনও দ্রব্যের সহিত ইচ্ছা পূর্বক মিশান হয় না
জানি। ইহার দ্রব্যের যেওনা বাইতেছে। হহা মগন হলো কেবল নবর্ণ-
করণের কলকারাগের নিকট বিক্রয় করা বাইবে, এবং কলিকাতার
নিকট সিংপুরের কোম্পানীর বাগানের স্বপারকটেজের নিকট
পাইতে পারবে।

**GOVERNMENT CINCHONA
FEBRIFUGE.**

سنکونا فیری فیوج یعنی ٹپ بھگائے
والی سنکونا *

یہ دوا کلکتہ کے بڑے بڑے ولایتی اور دیسی
دواخانوں میں بھی بکٹی ہی — ماسوائے قیمت
مذکورہ بالا کے محصول ذاک چار اونس والے ٹین کا
چار آنہ، آٹھ اونس والے ٹین کا آٹھ آنہ؛ اور ایک
پرنٹ والے ٹین کا بارہ آنہ •

ADMINISTRATOR GENERAL OF BENGAL

Notice of deaths sent to the Administrator General of Bengal under Section 64 of Act II of 1874.

Name of deceased	Place of death.	Date of death.	By whom death reported and when.	REMARKS.
Mr. W. Roots, Engine Driver, N. W. Railway.	Lahore . . .	26th October, 1901	District Judge, Lahore, on 26th November, 1901.	Will left. No application.
Mrs. Mary Sherman, 23, Marquis Street, Calcutta.	The Presidency General Hospital.	1st October, 1901	District Judge, 24-Parganahs, on 29th November, 1901.	No will. No application.
Mr. Dillon, Flat "Gopechur," Narain-gunge.	Narain-gunge . .	16th October, 1901	District Judge, Dacca, on 29th November, 1901.	Ditto.
Rev. James William Goodwin of Agra.	Bombay . . .	9th November, 1901	Judge of Agra, on 26th November, 1901.	No will. Letters of Administration taken out by the widow Mrs. Gertrude Elizabeth Goodwin.
Mr. C. Lionel A. de Meville, Indian Museum.	The Presidency General Hospital, Calcutta.	3rd December, 1901	Superintendent, Indian Museum, on 3rd December, 1901.	Copy will found, original in England. No application.
Miss Nora Margaret Curteis, Darjeeling.	Darjeeling . . .	21st October, 1901	District Judge, Dinajpur, on 3rd December 1901.	No will. No application.

L. P. D. BROUGHTON,
Administrator General of Bengal.

COUNCIL HOUSE STREET;
Calcutta, 13th December, 1901.

GOVERNMENT PUBLICATIONS FOR SALE

BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,
8, HASTINGS STREET, CALCUTTA.

[A General Catalogue of all Government Publications may be obtained gratis
from the Government Central Press, Calcutta.]

WEEKLY LIST OF NEW BOOKS.

The amounts within parentheses are for packing and postage.

LEGISLATIVE DEPARTMENT.

A Digest of Indian Law Cases; containing High Court Reports, 1862—1900, and Privy Council Reports of Appeals from India, 1836—1900, with an Index of Cases. Compiled under the orders of the Government of India by JOSEPH VERE-WOODMAN, of the Middle Temple, Barrister-at-Law, and Advocate of the High Court, Calcutta. In six volumes. Price R12 per volume, cloth bound; quarter bound copies. R13 (packing and postage, 10 as.)

Volume II is ready. Volume III in the Press.

MILITARY DEPARTMENT.

Army Regulations, India, Vol. IX (Volunteers), 1901. Royal 8vo. Board.
R1 or 1s. 6d. (4a.)

LIST OF BOOKS PUBLISHED FROM 1st APRIL TO 30th SEPTEMBER 1901.

LEGISLATIVE DEPARTMENT.

Chronological Tables of the Indian Statutes compiled, under the orders of the Government of India, by F. G. Wigley, Esq. Royal 8vo. Cloth. R4 or 6s. (7a.)

The Indian Penal Code (Act XLV of 1860), as modified up to the 1st July, 1899, and with footnotes brought down to 1st April, 1901. R2-8 or 3s. 9d. (6a.)

The Cattle-trespass Act, 1871 (Act I of 1871), as modified up to the 1st April, 1901. 5a. or 5d. (1a.)

The Indian Contract Act, 1872 (Act IX of 1872), as modified up to the 1st September, 1899 (with footnotes brought down to 30th June, 1901). R1-4 or 1s. 9d. (2a.)

The Indian Arms Act, 1878 (Act XI of 1878), as modified up to the 1st December, 1896 (with footnotes brought down to the 15th May, 1901). 5a. 6p. or 6d. (1a. 6p.)

The Indian Factories Act, 1881 (Act XV of 1881), as modified up to the 1st April, 1891 (with footnotes brought down to 1st July, 1901). 5a. 6p. or 6d. (1a. 6p.)

The Central Provinces Civil Courts Act, 1885 (Act XVI of 1885), as modified up to the 1st April, 1901. 4a. or 4d. (1a.)

The Indian Ports Act, 1889 (Act X of 1889), as modified up to the 1st April, 1901. 11a. or 1s. 3d. (2a.)

The Prisons Act, 1894 (Act IX of 1894), as amended by the Burma Laws Act, 1898 (XIII of 1898). 7a. 6p. or 9d. (1a.)

LIST OF TRANSLATIONS AND TRANSLITERATIONS OF ACTS PUBLISHED FROM 1st APRIL TO 30th SEPTEMBER, 1901.

The Indian Penal Code (Act XLV of 1860), as modified up to 1st July, 1899. In Hindi R1-5 or 2s. (5a.)

The Central Provinces Civil Courts Act, 1885 (Act XVI of 1885), as modified up to the 1st April, 1901. In Urdu. 1a. 6p. (1a.)

Ditto. In Hindi. 1a. 6p. (1a.)

The Indian Tramways Act, 1886 (Act XI of 1886), as modified up to 31st December, 1900. In Urdu. 3a. 3p. or 3d. (1a. 6p.)

Ditto. In Hindi. 3a. 3p. or 3d. (1-6p.)

The Code of Criminal Procedure, 1898 (Act V of 1898), as modified up to the 1st April, 1900. Hindi. R1-6 or 2s. (7a.)

Act II of 1901 (An Act to amend the law relating to the exemption from tolls of persons and property belonging to the Army. In Urdu. 6p. (1a.)

Ditto. In Hindi. 9p. (1a.)

Act III of 1901 (An Act further to amend the Indian Ports Act, 1884. In Urdu. 3p. (1a.)

Act V of 1901 (An Act further to amend the Indian Forest Act, 1878). In Urdu. 3p. (1a.)

Ditto. In Hindi. 3p. (1a.)

Act VI of 1901 (the Assam Labour and Emigration Act, 1901). In Urdu. 5a. or 5d. (1a.)

Ditto. In Hindi. 5a. or 5d. (1a.)

Act VII of 1901 (An Act to place Native Christians in the same position as Hindus Muhammadans and Buddhists in the matter of obtaining letters of administration and for other purposes). In Urdu. 3p. (1a.)

Ditto. In Hindi. 3p. (1a.)

Act VIII of 1901 (An Act to provide for the Regulation and Inspection of Mines). In Urdu. 1a. (1a.)

Ditto. In Hindi. 1a. (1a.)

HOME DEPARTMENT.

Scientific Memoirs by the Medical Officers of the Army in India—

Part XII, 1901. Contents—(1) On the Characters and Relationships of *Aizella*, (Smith)—Major E. Prain, I.M.S. (2) Inoculation of Malaria by *Anopheles*—Captain C. F. Fearnside, I.M.S. (3) Zoological Gleanings from the Royal Indian Marine Survey Ship Investigator—Major A.W. Alcock, I.M.S. (4) Some Observations on Spirillum Fever, as seen in the monkey—*Macacus Radiatus*—Captain George Lamb, I.M.S. (5) On the Anatomy of the roots of *Phoenix paludosa*, Roxb.—Lieutenant A. T. Gage, I.M.S. (6) On some Practical Methods of Sanitation in India with special reference to Cantonments—Major Earnest Roberts, I.M.S. Demy 4to. Board. Rs-12 or 8s 9d. (7a.)

The Fauna of British India including Ceylon and Burma. By R. I. Pocock, Esq. Royal 8vo. Full cloth. Rs 5 or 11s. 3d. (5a.)

Judicial and Administrative Statistics for British India for 1899-1900, and the four preceding years. Contents:—(I) Administrative Divisions. (II) Judicial Divisions (III) Civil Justice. (IV) Criminal Justice. (V) Jails. (VI) Police. (VII) Registration. (VIII) Education. (IX) The Press. (X) Vital Statistics. (XI) Hospitals and Dispensaries. (XII) Lunatics. (XIII) Vaccination (XIV) Municipalities. (XV) Local Boards. (XVI) Factories. (XVII) Wild Animals and Snakes. F'cap. Boards. Rs 2 or 3s. (10a.)

Census of Dufferin's Fund Report, 16th Issue, 1900, Super-Royal 8vo. Paper cover. Rs 1 or 1s. 6d. (5a.)

Rules under the Arms Act. Corrected to 1st May, 1901. F'cap. Stitched. 6a. or 6d. (2a.)

REVENUE DEPARTMENT.

Report of the Indian Famine Commission, 1901. F'cap. Cloth. 14a. or 1s. 3d. (6a.)

Elementary Mathematics (especially edited for Foresters) by A. P. GRENFELL, Esq. Royal 8vo. Cloth. Rs 4 or 6s. (8a.)

The Muhammadan Architecture of Ahmedabad. By Dr. J. BURCHES (Archæological Survey of India, New Imperial Series, Vol. XXIV). Super-Royal. Cloth. Rs 21 or 31s. 6d. (Rs 1-2a.)

A Manual of Road Engineering for India, Vol. I. By C. G. ROGERS, Esq. Super-Royal 8vo. Cloth. Rs 4 or 6s. (6a.)

FOREIGN DEPARTMENT.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 14, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Partially Destroyed.

The Government Promissory Notes—

				Originally standing in the name of
015215,	3½ per cent.	1854-55	R 1,000	Hormosji Nowrosji Cooper
015220,	"	"	" 500	
073044,	"	1865	" 1,000	
073045,	"	"	" 500	
077267,	"	"	" 500	
087365,	"	"	" 500	Originally standing in the name of the Bank of Bengal

the latter last endorsed to Hormosji-Nowrosji Cooper, the proprietor, by whom all the above notes were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of duplicates in favour of the proprietors.

HORMOSJI NOWROSJI COOPER,
Sadr Basar, Jhansi.

Destroyed.

The Government Promissory Note No. 117685 of the 3½ per cent. loan of 1865 for rupees 500, originally standing in the name of the Comptroller General and last endorsed to Chattar Singh, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the accrued interest and for the issue of duplicate in favour of the proprietor after two years from the date of last advertisement.

Name of Proprietor—

CHATTAR SINGH,

Residence—Kohat-Kurram, Parachinar.

Lost.

The Government Promissory Note No. 122049 of the 3½ per cent. loan of 1865 for Rupees 1,000 originally standing in the name of The Bank of Bengal and last endorsed to Ashima Nath Biswas, the proprietor by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of Duplicate in favour of the proprietor after two years from the date of last advertisement.

Name of the Proprietor—

ASHIMA NATH BISWAS,

Residence,—Khardah, District 24 Pergonas.

Lost

The Government Promissory Note No. 000161 of 5 per cent loan of 1872 standing in the name of Ror R500 originally and last endorsed to Vinaikgho Waman Ghui the proprietor by whom it was Jageshwer Ghui, to any other person. Payment ever endorsed Note and the interest thereupon of the above have been

stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

VINAIK JAGESHWER GHUI, *Proprietor,*
Vithal Rukhamai Mandir, Nagpur.

NAGPUR,

The 2nd November, 1901.



SUPPLEMENT TO
The Gazette of India.

No. 50 } CALCUTTA, SATURDAY, DECEMBER 14, 1901.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known. The Debates of the Legislative Council of His Excellency the Governor General will in future be published in PART VI of the GAZETTE.

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No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the only of the GAZETTE must be looked to.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

Rainfall summary for the past seven days, ending at 8 a.m. on
Thursday, the 12th December 1901, based on the India
Daily Weather Reports of the period.

During the week under review rain occurred in three different areas of the Indian region. (1) Light and comparatively unimportant showers occurred in parts of Burma principally on the 6th—the rainfall amounts received were generally small but exceeded '25" at Akyab and at Minbu on the 6th. (2) A moderate cyclonic storm which developed over the south of the Bay during the 6th and 7th advanced to the neighbourhood of the Madras Coast on the 8th. On that day rain was reported from all stations in the East Coast (South) as well as at one or two in South India—the heaviest amounts were 2'75" at Negapatam and over 1" at Madras and Cuddalore. On the 9th the cyclonic storm still lay off the Madras Coast. Rain had extended across the south of the Peninsula but the rainfall was lighter than on the previous day—the only places reporting amounts exceeding 1" in 24 hours having been Madras and Nellore. By the following morning, the 10th, the storm had passed inland and broken up but rain had continued to fall over practically the whole of the south of the Peninsula—at Madras the exceptional amount of 10" in 24 hours was reported while Nellore had received 2". On the 11th and 12th the storm had disappeared but the weather remained feebly disturbed and light showers were received during those two days all over the south of the Peninsula—the only heavy fall reported having been 1'50" at Calicut. (3) Rain and snow was received from a cold weather storm in the extreme north-west. At Bushire, at the head of the Persian Gulf, drizzling rain commenced on the 9th; the rain

increased, nearly 1.50" having been reported on the 10th and a light shower on the 11th. These unsettled conditions missing Baluchistan passed on to Kashmir and the North-West Himalayas, where rain and snow was reported on the 11th and 12th. This storm will probably travel down the Himalayas, giving snow in its course and be followed by a burst of cooler weather over Northern India.

The concluding table shows that appreciable rain was received during the week in the Burma Dry division, the Calicut sub-division of the West Coast, the Bellary sub-division of the Deccan, both sub-divisions of South India and the East Coast (South) division—the remainder of India being actually or practically rainless. The average actual rainfall ranged from 5" in the East Coast (South) division to less than .20" in the Burma Dry division. The week's fall was more than usual over the south of the Peninsula, more particularly in the East Coast (South), where the excess amounted to 3.75".

The concluding columns of the table give no important information but show that the December rainfall to date has been heavier than usual over the south of the Peninsula.

RAINFALL DIVISION WITH REPRESENTATIVE STATION.	Rainfall sub-division named after representative station.	RAINFALL DATA FOR WEEK ENDING ON 12TH DECEMBER 1901.			RAINFALL DATA FROM 29TH NOVEMBER TO 12TH DECEMBER 1901.			SEASONAL CENTAGE VARIATION	
		Average actual rainfall.	Average normal rainfall.	Excess or defect in inches.	Average actual rainfall of season to date.	Average normal rainfall.	Excess or defect in inches.	This week.	L. wt.
		Inches.	Inches.	Inches.	Inches.	Inches.			
1. Burma Coast (Rangcon) . . .	...	0'04	0'10	-0'06	0'09	0'27	-0'18	-67	-
2. Burma Wet (Bhamo) . . .	...	0'04	0'12	-0'08	0'10	0'24	-0'14	-58	-
3. Burma Dry (Mandalay) . . .	...	0'17	0'17	0	0'19	0'21	-0'02	-10	-
4. Delta of Bengal . . .	{ Narayanganj .	0	0'18	-0'18	0	0'30	-0'30	-100	-
5. Brahmaputra Valley (Sibsagar) .	{ Calcutta .	0	0'06	-0'06	0	0'11	-0'11	-100	-
	...	0	0'07	-0'07	0'15	0'20	-0'05	-25	+
6. Himalayas and Sub-Himalaya, East.	{ Dinajpur .	0	0'02	-0'02	0	0'05	-0'05	-100	-
	{ Darbhanga .	0	0'04	-0'04	0	0'05	-0'05	-100	-
7. Indo-Gangetic Plain, East . . .	{ Bahraich .	0	0'04	-0'04	0	0'06	-0'06	-100	-
	{ Burdwan .	0	0'03	-0'03	0	0'06	-0'06	-100	-
	{ Patna .	0	0'03	-0'03	0	0'07	-0'07	-100	-
8. Himalayas and Sub-Himalaya, West.	{ Simla .	0'02	0'16	-0'14	0'02	0'28	-0'26	-93	-
9. Indo-Gangetic Plain, West . . .	{ Ludhiana .	0	0'11	-0'11	0	0'16	-0'16	-100	-
	{ Cawnpore .	0	0'05	-0'05	0	0'07	-0'07	-100	-
10. N.W. Dry Area (Bikaner) . . .	{ Lahore .	0	0'08	-0'08	0	0'11	-0'11	-100	-
11. Baluchistan (Quetta) . . .	...	0	0'03	-0'03	0	0'07	-0'07	-100	-
	...	0	0'23	-0'23	0	0'60	-0'60	-100	-
12. East Coast, North . . .	{ Waltair .	0'04	0'28	-0'24	0'05	0'71	-0'66	-93	-
	{ Cuttack .	0	0'10	-0'10	0	0'23	-0'23	-100	-
13. East Satpuras . . .	{ Ranchi .	0	0'03	-0'03	0	0'04	-0'04	-100	-
	{ Raipur .	0	0'06	-0'06	0	0'08	-0'08	-100	-
	{ Jubbulpore .	0	0'04	-0'04	0	0'07	-0'07	-100	-
14. Central India Plateau . . .	{ Jhansi .	0	0'09	-0'09	0	0'11	-0'11	-100	-
	{ Jaipur .	0	0'08	-0'08	0	0'10	-0'10	-100	-
	{ Indore .	0	0'05	-0'05	0	0'08	-0'08	-100	-
15. West Coast . . .	{ Calicut .	0'61	0'48	+0'13	1'12	1'10	+0'02	+2	0
	{ Bombay .	0'01	0	+0'01	0'01	0'01	0	0	0
16. Gujarát . . .	{ Ahmedabad .	0	0'03	-0'03	0	0'04	-0'04	-100	-
17. West Satpuras (Akola) . . .	{ Rajkot .	0	0'02	-0'02	0	0'03	-0'03	-100	-
	...	0	0'08	-0'08	0	0'10	-0'10	-100	-
18. Deccan . . .	{ Bellary .	0'42	0'07	+0'35	0'86	0'27	+0'59	+219	0
	{ Bijapur .	0	0'10	-0'10	0	0'15	-0'15	-100	-
	{ Hyderabad .	0	0	0	0	0'04	-0'04	-100	-
19. South India . . .	{ Mysore .	0'28	0'04	+0'24	0'68	0'21	+0'47	+224	0
	{ Madura .	0'51	0'37	+0'14	1'58	1'05	+0'53	+50	0
20. East Coast, South (Madras) .	...	5'04	1'34	+3'70	7'16	3'92	+3'24	+83	0

W. L. DALLAS,

for Meteorological Reporter to the Government of India
and Director General of Indian Observato

SIMLA,

The 12th December, 1901.

J. B. FULLER,

Secretary to the Government of I

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.

Season and Crop Prospects for the week ending Saturday, the 7th December, 1901.

Madras—There was no rain in the Circars but there were light to fair falls elsewhere. Water supplies are sufficient for irrigation except in parts of the Deccan. Ploughing, sowing, and transplanting generally are in progress. Standing crops on the whole are in fair condition. Harvests continue with fair outturn. Pasture and fodder are sufficient. The condition of cattle on the whole is good. Prices are falling but are still above warning rates. Kitchen inmates—Cuddapah—men, 45; women, 186; children, 254; total, 495. Test workers—men, 522; women, 561; children, 104; total, 1,187. Grand total, 1,682.

Bombay.—Slight rain fell during the week in parts of Belgaum and Kanara. More rain is wanted in parts of Gujarat, the Deccan, Bijapur and Belgaum for standing crops or for spring cultivation. Crops have been slightly damaged by rats and locusts in parts of Thar and Parkar, by rats in parts of Ahmedabad, Kaira, Broach, Surat, Khandesh, Rajkot, Wadhwan and Baroda, and by grasshoppers in parts of Bijapur. They are suffering from insufficient moisture in parts of Ahmedabad, Kaira, Surat, Baroda, Nasik, Ahmednagar, Poona, Bijapur and Belgaum and are generally in good condition elsewhere. Reaping of autumn crops has been completed in Thar and Parkar, is nearly over in Shikarpur, Hyderabad, Ahmedabad and Baroda, and is in progress in parts of Karachi, Larkana, Upper Sindh Frontier, Surat, Khandesh, Nasik, Poona, Satara, Bijapur, Belgaum and Kanara. Threshing is in progress in parts of Hyderabad, Upper Sindh Frontier, Thar and Parkar, Thana, Nasik, Ahmednagar and Poona. Estimates of outturn of autumn crops generally are good in the Konkan and the Karnatak, fair in Sindh and the Deccan, and moderate to poor in Gujarat. Cotton prospects generally are good in the Karnatak and fair in Surat, Broach, Baroda, Khandesh and Nasik. Picking continues in Khandesh, Surat and Rajkot. Preparations for the spring crops are in progress in parts of Kanara. Spring sowings are completed in Dharwar, almost over in Larkana and in progress in parts of Sindh, Ahmedabad, Kaira, Thana, Nasik, Belgaum, Kanara, Wadhwan and Baroda. The fodder-supply generally is sufficient. Agricultural stock is in good condition and generally sufficient. Prices have risen in two districts, fallen in four districts and are stationary elsewhere. The relation of the prices of the principal staples to normal and to the prices of 1900 remains substantially the same. Prices of cheapest food grain in pounds per rupee at head-quarters:—Ahmedabad, 37; Kaira, 38; Panchmahals and Belgaum, 34; Sholapur, 40 $\frac{1}{10}$; Ahmednagar, 35; Poona, 27 $\frac{3}{10}$; Bijapur, 34 $\frac{1}{2}$.

Daily average numbers on relief:—**BRITISH DISTRICTS**—On relief works 26,116; dependants, 2,203; total on works, 28,319. In poor-houses, 1,865; on village relief, 15,771; total on gratuitous relief, 17,636. Figures for Belgaum, Thar and Parkar are incomplete. **NATIVE STATES**—On relief works, 16,058; dependants, 599; total on works, 16,657. In poor-houses, 2,316; on village relief, 392; total on gratuitous relief, 2,708. Figures for Palanpur are incomplete. Grand total, 65,320.

Bengal.—There was no rain except a very scanty fall in Champaran and Angul. More rain is needed in the Patna Division and in the district of Hazaribagh. Harvesting of winter rice is in progress and threshing has been commenced in places. Sowing of spring crops and poppy is approaching completion. The pressing of sugarcane is in progress. Prospects are fair. Fodder and water are adequate. The price of common rice has risen in 7 districts, fallen in 24, and is stationary in the rest (15).

North-Western Provinces and Oudh.—With the exception of slight showers in Almora no rain was recorded during the week in any district of the provinces. Spring crops are doing well and prospects are hopeful, but the want of rain is felt in a few districts. Late rice is being reaped and threshed in some districts and the pressing of sugarcane continues. Land is being prepared for new sugarcane in Bijnor and Shahjahanpur. Sowing of poppy is still going on and where sown the seedlings have germinated well. Spring crops and poppy are being irrigated wherever practicable. Food and fodder are ample. Prices are generally steady.

Punjab.—There was no rain. Harvesting of autumn crops is nearly over except in Sialkot, where threshing is still going on. Sowings of spring crops continue on irrigated land. They have been finished in Ferozepore and completed in Amballa except in lands dependent on rain. Very few sowings have been made on unirrigated lands. Rain is badly wanted. Cotton picking and sugarcane pressing have been commenced in Rohtak and continue in other districts. The condition of crops is said to be fair in irrigated and poor in unirrigated lands. It is good in Rohtak and average in Mooltan. In Gurgaon crops are in good condition in canal and sweet well lands and are suffering for want of rain on brackish wells and unirrigated lands. The outturn of autumn crops is generally average on irrigated and poor on unirrigated areas. Prospects of the next spring crops seem to be gloomy in the areas dependent on rain. Sugarcane and cotton crops are withering in Sialkot. Crops are being damaged by rats in parts of Amballa and Ferozepore. Cattle are generally in good condition. Fodder is sufficient in all districts except in parts of Karnal and Mooltan. Test works are being started in tahsil Bihwani and will be extended after a short time to other tahsils of Hissar. The influx of Hissaris and Bagris is on the decrease in Gurgaon and Karnal. There have been no marked fluctuations in prices except in the price of maize which has risen by 5 seers per rupee in the Shahpur district. The price of wheat has slightly risen in Delhi and Rawalpindi, fallen in Rohtak and Amritsar and is unchanged elsewhere, and that of gram has slightly risen in Hissar, Gurgaon, Delhi, Amritsar and Shahpur, and fallen in Mooltan. Wheat is selling from 14 to 21 seers, gram 18½ to 27, barley 18 to 25, maize 21 to 30, great millet 19 to 22, and bulrush millet 17 to 30 seers per rupee.

Burma.—**LOWER BURMA.**—Reaping of early paddy is in progress. Crop prospects are good. **UPPER BURMA.**—Reaping of early paddy is in progress in most districts. Plucking of cotton, cultivation of alluvial soil, and the sowing of pulse crops continue, but want of rain has prevented the sowing of wheat and gram in Mandalay only. Scanty showers have been received during the week in the Shwebo sub-division and in the greater part of Yeu in the Shwebo district. The paddy crop has largely failed in Mandalay and with the exception of that grown on the alluvial and the two irrigated tracts the crop is bad. In Meiktila, Myingyan, parts of Pakokku and parts of Lower Chindwin the want of late rains has materially damaged the crops and in Meiktila the cotton crop has suffered. Floods and blight have caused extensive destruction in the Upper Chindwin. In other districts the crops are reported fair, and in Kyaukse good. Reports from Yamethin and Sagaing have not been received. The price of paddy has fallen in Rangoon, Magwe, and Shwebo.

Central Provinces.—No rain has fallen. Harvesting of autumn crops is completed in Jubbulpore and is in progress or reaching completion elsewhere. Except in favoured fields and villages, rice has given an outturn of about one-fourth of a normal crop on light soils in Jubbulpore and *Kodon* an outturn of about two-fifths of normal. *Juar* has yielded three-fourths of a normal crop in the Khandwa and Bhuwanpur tahsils of the Nimar district and about half the normal in Charwa. Gram has failed entirely in Saugor. Prospects of the wheat crop are good at present in the open tracts in the northern districts though rain is required in Nimar. A full crop is expected. In Betul and Wardha, however, prospects are not so satisfactory. Damage by insects has ceased in Jubbulpore and in parts of Saugor, but continues in Seoni, Chanda, Raipur and Bilaspur. Rain is badly needed everywhere for the spring crops. Prices are generally steady. The lowest prices are—wheat 16, gram

20, rice 19, and *juar* 25 seers per rupee. The highest prices are—wheat 8½, gram 13, rice 8½, and *juar* 13½ seers per rupee.

Assam.—There was no rain during the week. The weather was seasonable. Plucking of tea continues and its outturn is good in Sylhet and Lakhimpur and fair elsewhere. Pruning is in progress in Sylhet and Cachar. Sowing of pulse has been finished and gathering has been commenced. Sowing of mustard is nearly finished. Reaping of late rice and pressing of sugarcane continue and its prospects generally are good. Fodder is insufficient in the Khasi and Jaintia Hills and in parts of Kamrup. Prices—common rice—Sylhet 17½, Silchar 16, Sibsagar 12, Gauhati and Nowgong 11, and Dhubri, Tezpur and Dibrugarh, 10 seers per rupee.

Mysore.—The rain in the Civil and Military Station was 42 cents. The fall was good in Bangalore, Kolar, Kadur, Tumkur and Hassan. Standing crops are in good condition generally throughout the province. Paddy and *ragi* are being harvested in parts, and in other parts Bengal gram and paddy are being sown. Prospects are good in Bangalore, Mysore, Tumkur and Shimoga, and fair in Kolar, Hassan and Chitaldrug. Prices are steady in Tumkur, have slightly fallen in Bangalore, Kolar, Hassan, Shimoga, Chitaldrug and in parts of Mysore and Kadur, and have slightly risen in other parts of Mysore and Kadur. Cattle are healthy except in parts of Kadur. Water and fodder are available.—**COORG.**—The rainfall amounted to 12 cents. Picking of coffee continues. Prices of food grains are stationary. Water and fodder are sufficient.

Berar.—The weather was cold. Standing crops are in good condition. Fodder and water are sufficient. Prices continue generally stationary.

Hyderabad.—There was no rain during the week. The total from 1st January is 21 inches four cents. Standing spring crops are in fairly good condition. Sowing of winter rice continues in parts, grain prices are fairly steady. Prices—wheat 5½, coarse rice 7½, and *juar* 17½ seers per halli rupee.

Rajputana.—There was no rain. Sowings continue except in Kherwara where they are delayed owing to rats. In Bikanir cultivators are busy in collecting fodder and grass. Standing crops are in good condition in villages watered by the Ghuggar Canal, in Bikanir, Alwar and Karauli, and fair in Jaisalmere, Sirohi, Mewar, Kotah, Jhallawar, Dholpur and Ajmer-Merwara where not damaged by rats. Damage by locusts continues in Bikanir and in parts of Kishengarh and some damage by rats in the Merwara District. Poppy cultivation is in progress in Jaipur. Agricultural stock and fodder generally are sufficient. Prices are rising in Bikanir, fluctuating in Marwar and Sirohi, falling in Mewar, Kherwara, Jhallawar, Kishengarh, Alwar, Karauli, and steady elsewhere. Cheapest prices average from 11-8 to 25-9 seers. Prices of cheapest food grains in tracts or States threatened with distress—Bikanir 13 to 17, Jaisalmere 12, Marwar 14 to 15-10, Sirohi 13, Kherwara 11-8, Jaipur 20-1, Kishengarh 17½ and Ajmer-Merwara 15 to 18 seers per rupee. Number of labourers on relief works on last day of week in Marwar—371; gratuitous relief in orphanages—97 in Marwar, Sirohi and Jaisalmere.

Central India.—There was no rain in Central India during the week. Agricultural operations are in progress in all Agencies. The state of standing crops is good in Gwalior and Baghelkhand, fair in Bhopal, Bundelkhand, Bhopawar and Indore and indifferent in Malwa. Crops have been damaged by rats in Malwa and by rats and insects in Bhopal, Bhopawar and Indore. Agricultural stock and pasturage generally are sufficient. Opium sowing is in progress in Gwalior, Bhopal, Bhopawar and Indore. Prices are steady in Gwalior, Malwa and Indore, falling in Bhopal, Bundelkhand and Bhopawar and below average in Baghelkhand. Average prices—Gwalior 13—13 to 23, Bundelkhand 18½ to 24, Malwa 17, Bhopawar 15 to 17 and Indore 7 to 20 seers the rupee. Gratuitously relieved—Rutlam 66, Jaora 56; total 122.

Baroda.—Harvesting of autumn crops and sowing of spring crops continue in some places but the prospects of the latter are gloomy owing to the want of moisture and the ravages of rats. The condition of agricultural stock is fair. Water in wells and tanks is decreasing in some places. Prices—*bajri* 28, *juar* 28, wheat 21, rice, superior, 13, rice, inferior, 21 pounds per rupee. Numbers on relief-works, 17,977; gratuitous relief, 10,732; total 28,709.

Kashmir.—The weather was bright and is becoming rather colder. Prices are normal. Rice sells for 22 seers the rupee. **JAMMU PROVINCE.**—There was no rain, but the sky is cloudy. The condition of standing crops is good on irrigated areas but they are suffering on unirrigated areas. Rain is badly wanted. Sowings for the spring are nearly finished. Fodder is sufficient. Prices generally are stationary. Wheat sells from 15 to 30, and maize from 18 to 36 seers the rupee.

Nepal.—There was no rain during the week. The mornings are foggy and cold but the days fine. The price of rice is 9 seers for the rupee.

The number of persons in receipt of relief during the preceding and present weeks in each Province is shown in the following table:—

Name of Province.	PRECEDING WEEK. (REVISED FIGURES.)			PRESENT WEEK.			Increase or decrease.
	Relief works.	Gratuitous relief.	TOTAL.	Relief works.	Gratuitous relief.	TOTAL.	
<i>British Provinces.</i>							
Madras	1,524	502	2,026	1,187	495	1,682	— 344
Bombay and Sindh	24,440	17,507	41,947	28,319	17,636	45,955	+ 4,008
TOTAL BRITISH PROVINCES	25,964	18,009	43,973	29,506	18,131	47,637	+ 3,664
<i>Native States.</i>							
Rajputana States	459	97	556	371	97	468	— 88
Central India States	20	893	913	...	122	122	— 793
Baroda	17,117	10,067	27,184	17,977	10,732	28,709	+ 1,525
Bombay Native States	16,550	3,143	19,693	16,637	2,708	19,345	— 348
TOTAL NATIVE STATES	34,146	14,200	48,346	35,005	13,639	48,644	+ 318
GRAND TOTAL	60,110	32,209	92,319	64,511	31,770	96,281	+ 3,962

J. B. FULLER,

Secretary to the Government of India.

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.
(FAMINE.)

Return of the number of persons in receipt of relief in districts affected by scarcity

The figures are compiled from returns obtained from Local Governments and Political Officers, and give the corrected District totals published weekly in the Crop and Weather Summary of the *Gazette of India*.
Labouring children and other dependants of relief workers are classed as on relief works when distinguished in the local return details of the district. Persons relieved in poor-houses or at their homes. Weavers relieved in their own trade are shown under "Gratuitous Relief."

Name of Province and District.	Population.	FOR THE WEEK ENDING THE 9TH NOVEMBER 1901.			FOR THE WEEK ENDING THE 16TH NOVEMBER 1901.			FOR THE WEEK ENDING THE 23RD NOVEMBER 1901.			FOR THE WEEK ENDING THE 30TH NOVEMBER 1901.		
		Relief works.	Gratuitous relief.	Total.	Relief works.	Gratuitous relief.	Total.	Relief works.	Gratuitous relief.	Total.	Relief works.	Gratuitous relief.	Total.
Madras.	1,291,903	1,769	431	2,200	1,653	537	2,190	1,548	495	2,043	1,524	502	2,026
Madras.	1,291,903	1,769	512	2,281	1,653	537	2,190	1,548	495	2,043	1,524	502	2,026
Bombay.	795,094	...	3,588	3,588	...	3,752	3,752	189	3,860	4,049	483	...	...
...	715,125	...	274	274	...	165	165	...	279	279	444	...	...
...	261,870	2,089	36	2,125	1,309	29	1,338	3,199	33	3,232	5,180	4,478	4,963
...	720,978	13,797	7,170	21,267	9,836	134	9,970	6,753	828	7,581	3,734	203	647
...	837,774	5,794	9,930	15,744	5,868	8,654	14,522	5,173	7,973	13,145	5,170	38	5,198
...	735,041	16,939	5,713	22,712	14,013	5,072	19,120	12,239	4,788	17,022	8,380	762	4,496
...	894,209	2,371	3,137	5,508	1,611	2,294	3,905	1,423	4,600	6,023	1,067	7,616	12,785
...	1,113,426	...	...	...	...	23	23	...	15	16	...	3,037	11,417
...	304,108	...	...	...	...	...	...	...	...	...	...	1,831	2,394
...	...	...	...	...	...	...	...	...	...	...	...	14	14
...	...	...	...	...	...	...	...	...	...	...	...	29	29
Bombay.	6,538,255	41,048	30,981	72,029	32,692	20,131	52,823	28,976	22,431	51,407	24,440	...	41,947
British India.	7,830,168	42,817	31,497	74,314	34,345	20,638	55,013	31,524	22,926	54,450	25,961	18,009	43,973
Central India States.	1,099,000	...	664	664	...	664	664	...	664	664	...	664	664
...	84,000	...	63	63	...	62	62	...	59	59	...	53	53
...	83,000	...	45	45	...	46	46	...	116	116	20	176	664
Central India States.	1,266,000	...	772	772	...	772	772	...	838	838	20	858	196
...	2,415,396	17,040	9,590	26,630	17,025	9,722	26,747	16,417	9,871	26,288	17,117	10,067	27,184
Bay Native States.	2,752,404	2,457	1,129	3,586	6,921	1,242	8,163	7,267	1,384	8,651	7,753	1,404	9,157
...	840,020	1,331	296	2,127	2,141	374	2,515	3,140	441	3,581	4,628	526	5,148
...	733,006	396	110	506	39	52	91	409	51	460	1,520	53	1,573
...	66,146	45	25	70	46	24	70	29	24	53	29	24	53
...	192,162	1,625	350	1,975	1,263	320	1,583	1,070	314	1,384	1,059	307	1,366
...	8,343	48	7	55	51	7	58	48	7	55	48	7	53
...	35,457	15	...	15	13	...	13	13	...	13	12	...	12
...	236,946	872	65	937	853	...	853	801	65	866	732	67	799
...	61,810	969	770	1,739	835	770	1,605	936	770	1,706	776	750	1,526
Al Bombay.	4,643,334	8,688	2,752	11,440	12,414	2,789	15,203	13,713	3,056	16,769	16,530	2,143	19,698
Al Native.	8,324,730	25,728	13,114	38,842	23,833	13,283	42,722	30,130	13,765	43,895	33,687	14,103	47,790
Total.	16,154,918	68,545	41,611	110,156	63,784	33,951	97,735	60,654	36,691	97,345	69,661	32,112	91,763

Districts and States in which relief operations ceased in the last week of the previous return are omitted from the statement. But the

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

GRANT OF REWARDS TO CHAPLAINS FOR PASSING EXAMINATIONS IN THE
VERNACULAR LANGUAGES BY THE HIGHER STANDARD.

Nos. 858—873.

Extract from the Proceedings of the Government of India in the Home Department (Examinations),—under date Calcutta, the 9th December 1901.

READ—

The Government of India Resolution Nos. ^{142—57} ~~Examinations~~, dated the 8th March 1901.

Despatch from the Secretary of State for India, No. 117 (Public), dated the 6th September 1901.

RESOLUTION.

In Home Department Resolution Nos. ^{142—57} ~~Examinations~~, dated the 8th March 1901, the Government of India decided that the rules for the examination of Military officers in Oriental languages should no longer apply to Chaplains, and in lieu thereof extended to such officers the rules applicable to junior members of the Indian Civil Service. It was, however, laid down that Chaplains would only be eligible for rewards for passing by the High Proficiency and Degree of Honour Standards in the vernacular languages of the Provinces in which they are serving, no reward being granted for any examination of a standard lower than the High Proficiency.

2. The above Resolution was communicated in due course to the Secretary of State for India, and His Lordship, while approving in other respects of the orders issued by the Government of India, has suggested that Chaplains should continue to be eligible for rewards for passing by the Higher Standard in the vernaculars of their Provinces. The Governor General in Council is accordingly pleased to declare that Chaplains shall also be eligible for rewards on passing a language examination by the Higher Standard, but, as in the case of the High Proficiency and Degree of Honour examinations, the rewards will only be given in the case of languages which are of practical utility to them in their work, that is to say, the vernacular languages of the Provinces in which they are employed.

The Government of India consider it desirable that the examination of Chaplains by the Higher Standard shall be regulated by the Military Rules as, with a few exceptions, the rules applicable to members of the Indian Civil Service contain no provision for the grant of a reward for passing an examination by the Higher Standard. The scale of rewards admissible to Chaplains for passing by the Higher Standard examination will accordingly be that laid down in paragraph 553 of the Army Regulations, India, Volume I, with the exception that no rewards will be given to such officers for Arabic, Sanskrit or Persian.

In other respects the orders promulgated in the Resolution of the 8th March 1901, remain unaltered.

ORDER.—Ordered that a copy of this Resolution be forwarded to all Local Governments and Administrations for information; that a copy be forwarded to the Military and Financial Departments and to the Secretary to the Board of Examiners, for information; that a copy be forwarded to the Ven'ble the Archdeacon of Calcutta and Bishop's Commissary, and to the Presidency Senior Chaplain, Church of Scotland, Bengal, for information, in continuation of Resolution Nos. ^{142—57} ~~Examinations~~, dated the 8th March 1901.

Ordered, also, that the Resolution be published in the *Gazette of India* for general information.

[True Extract.]

J. P. HEWETT,
Secretary to the Govt. of India.

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
RAILWAY STATISTICS.

STATEMENT OF APPROXIMATE GROSS EARNINGS OF INDIAN RAILWAYS.

N.B.—As regards the figures in column *Total earnings*, audited figures have been used as far as possible.

RAILWAY.	AVERAGE EARNINGS PER MILE PER WEEK.				RESULTS OF WORKING DURING 2ND-HALF OF YEAR.										RESULTS OF WORKING FOR OFFICIAL YEAR.								
	During 2nd-half of 1900.		During official year 1900-01.		Mean mileage worked.		Total earnings for week ending		Earnings per mile open for week.		Total earnings from 1st July to		Increase.		Decrease.		Total earnings from 1st April to		Increase.		Decrease.		
	R	R	Miles.	Miles.	1900.	1901.	1st December 1900.	30th November 1901.	1900.	1901.	1st December 1900.	30th November 1901.	R	R	R	R	1st December 1900.	30th November 1901.	R	R	R	R	
State and Guaranteed Railways.																							
Indian Central	667	669	1,373	1,873	715	720	2,76,74,138	2,94,57,000	17,81,861	...	44,90,1531	4,75,56,000	25,64,669	...	...	...	...	...	...	...	...	...
at Nagpur (inclgd. Raipur)	201	188	139	1,607	171	186	6,44,260	6,59,000	14,740	...	9,51,383	9,86,000	31,617	...	...	...	...	...	...	...	...	...
at Nagpur (inclgd. Raipur)	148	174	1,500	1,607	158	141	40,48,072	41,37,000	...	2,11,072	90,24,235	78,21,000	...	...	...	...	...	...	...	...	...	...
Indian Peninsula section	392	472	1,561	1,561	559	607	1,10,72,279	1,10,32,000	8,79,721	...	2,06,70,651	2,44,33,000	37,53,449	...	...	...	...	...	...	...	...	...
at Madras (inclgd. Bangalore)	181	215	808	872	431	175	31,37,032	27,97,000	46,73,356	...	60,24,946	51,62,000	8,62,946	...	...	...	...	...	...	...	...	...
at Madras (inclgd. Bangalore)	316	316	21	21	295	243	1,39,024	1,00,000	...	29,624	2,34,169	1,75,000	...	...	...	...	...	...	...	...	...	...
Western (inclgd. Nowshera-Dargai)	189	196	3,070	3,128	211	249	1,24,37,614	1,71,71,000	46,73,356	...	2,01,24,898	2,81,83,000	80,58,102	...	...	...	...	...	...	...	...	...
at Bombay (inclgd. m. g.)	189	209	1,115	1,115	215	219	40,63,723	50,17,000	9,53,827	...	72,97,750	87,34,000	14,36,250	...	...	...	...	...	...	...	...	...
at Bombay (inclgd. metro & 2' 6")	450	390	843	534	404	495	82,22,011	70,54,000	...	5,68,917	1,16,78,915	1,09,72,000	...	...	...	...	...	...	...	...	...	...
at Baroda and Central India	632	695	461	461	705	670	61,08,292	49,87,000	...	11,81,202	1,11,16,758	1,04,08,000	...	...	...	...	...	...	...	...	...	...
at North-East line (a)	253	259	844	874	255	246	45,74,311	40,20,000	45,689	...	74,41,642	74,77,000	35,358	...	...	...	...	...	...	...	...	...
at North-East line (a)	142	152	493	508	133	187	14,43,256	18,43,000	3,99,744	...	23,60,070	30,33,000	6,77,980	...	...	...	...	...	...	...	...	...
at North-East line (a)	111	114	32	32	136	125	76,033	85,900	9,867	...	1,25,948	1,45,000	19,057	...	...	...	...	...	...	...	...	...
at Malwa (inclgd. Godhra-Rullam-Nagda 5' 6")	267	295	1,796	1,786	316	268	96,66,206	96,08,000	...	53,206	1,20,51,366	1,82,04,000	1,52,664	...	...	...	...	...	...	...	...	...
at Malwa (inclgd. Godhra-Rullam-Nagda 5' 6")	46	46	17	17	85	29	12,759	11,200	...	1,557	25,396	22,900	...	...	...	...	...	...	...	...	...	...
at Malwa (inclgd. Godhra-Rullam-Nagda 5' 6")	165	169	1,034	1,034	160	190	35,98,103	41,59,000	5,66,837	...	59,30,704	68,37,000	9,00,360	...	...	...	...	...	...	...	...	...
at Marathia (inclgd. G. M. From sec.)	86	86	54	54	89	104	1,21,235	1,22,000	20,765	...	1,62,378	2,03,000	40,622	...	...	...	...	...	...	...	...	...
at Marathia (inclgd. G. M. From sec.)	102	113	1,165	1,165	104	84	25,20,635	22,90,000	...	236,635	45,54,331	40,61,000	...	...	...	...	...	...	...	...	...	...
at Marathia (inclgd. G. M. From sec.)	85	94	296	296	85	102	5,31,787	5,69,000	61,213	...	9,69,915	9,53,000	...	...	...	...	...	...	...	...	...	...
at N. W. (inclgd. Tirhoot sec.)	113	136	1,162	1,251	122	165	26,82,461	33,93,000	7,10,539	...	51,59,286	63,40,000	11,80,714	...	...	...	...	...	...	...	...	...
at Bareilly	103	118	200	200	110	112	4,02,010	4,45,000	45,090	...	7,17,471	8,65,000	1,47,529	...	...	...	...	...	...	...	...	...
at Bareilly	76	74	430	583	70	79	6,98,235	8,11,000	1,12,775	...	10,96,201	13,45,000	2,48,799	...	...	...	...	...	...	...	...	...
at Saharanpur	172	197	1,124	1,178	172	180	41,03,824	43,16,000	2,12,176	...	68,29,287	74,73,000	3,83,713	...	...	...	...	...	...	...	...	...
at Saharanpur	64	87	59	59	77	59	76,207	92,300	16,093	...	98,239	1,20,000	21,761	...	...	...	...	...	...	...	...	...
at Saharanpur	33	30	124	124	...	83	...	1,13,000	1,12,000	...	...	1,44,000	1,44,000	...	...	...	...	...	...	...	...	...
at Saharanpur	69	60	30	30	51	47	30,257	38,600	...	657	59,009	58,800	...	...	...	...	...	...	...	...	...	...

GOVERNMENT OF INDIA.
FINANCE AND COMMERCE DEPARTMENT.

STATISTICS AND COMMERCE.
CUSTOMS.

No. 6213-S. R., dated Calcutta, the 9th December, 1901.

READ—

Customs Circular No. XVII of 1901.

ORDERED, that the circular be published for general information in the Supplement to the *Gazette of India*.

J. F. FINLAY,
Secretary to the Government of India.

Customs Circular No. XVII of 1901.

From—The Secretary to the Government of India, Finance and Commerce Department,
No. 5961 S. R., dated the 29th November 1901,

To—The Governments of Madras, Bombay, Bengal, and Burma.

It has been brought to the notice of the Government of India that the Customs authorities at a certain port recently refused, under the provisions of section 18, clause (d), of the Sea Customs Act, VIII of 1878, as amended by section 10, sub-section (1) (d), of the Merchandise Marks Act, IV of 1889, to pass a consignment of cigars which were packed in boxes marked "Made in Germany," on the ground that the paper band round each cigar bore Spanish words ordinarily used on genuine Havana cigars, unaccompanied by an indication on the band of the country of origin.

2. The Government of India are of opinion that the use of words of a particular language on the paper bands round cigars should not be regarded as a "false trade description" so long as the country of manufacture is clearly indicated on the box containing the cigars, and so long as the bands themselves are not stamped with a counterfeit trade mark. Even in the latter case the Government of India consider that the initiative of action should, under ordinary circumstances, be left to the particular person or firm whose trade mark has been counterfeited.

3. I am, therefore, to request that, with the permission of ^{His Excellency the Governor in Council} ~~His Honour the Lieutenant-Governor~~ instructions may be issued to the Customs authorities that, in the absence of complaint that a particular trade mark has been imitated, they should disregard the labels on cigars, provided the box containing them is stamped with a proper description.



The Gazette of India.

PUBLISHED BY AUTHORITY.

[No. 51.] CALCUTTA, SATURDAY, DECEMBER 21, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART II.—Notifications by Comptroller General, Department of Revenue and Agriculture, Paper Currency Department, Bank of Bengal, Agent to the Governor General, and Chief Commissioner in Baluchistan, Agent to the Governor General, North-West Frontier Province, Administrator General of Bengal, High Court, Survey of India Department, Indian Museum, Oudh, and Rohilkhand Railway, Calcutta University, Director of Railway Traffic, Post Office, Telegraph Department, Official advertisements	SUPPLEMENT No. 51—
1379—1404	Review of the Reports on the Administration of Jails in the Provinces of British India for the year 1900
PART III.—Advertisements and notices by private individuals and corporations	2375—2405
101 & 102	Rainfall Summary for the past seven days, ending at 8 A.M. on Thursday, the 19th December, 1901, based on the India Daily Weather Reports
PART V.—Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council and Bills published under Rule 23:—	2407 & 2408
Bill to consolidate and amend the Law relating to the Procedure of the Courts of Civil Jurisdiction	Season and Crop Prospects for the week ending Saturday, the 14th December, 1901
119—388	2410 & 2412
	Statement of Famine Relief
	2413
	Statement of Approximate Gross Earnings of Indian Railways
	2414 & 2415
	Indian Customs Revenue
	2416
	Statement of wholesale and retail prices of Food-grains and certain staple articles for the first half of November 1901
	2417—2435

PART I.

Government of India Notifications, Appointments, Promotions, etc.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 19th December, 1901.

No. 36.—In exercise of the power conferred by section 10 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), and section 1 of the Indian Councils Act, 1892 (55 & 56 Vict., c. 14), the Governor General is pleased to nominate Rai Bahadur Bipin Krishna Bose, C.I.E., to be an Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations.

No. 37.—Whereas the non-official Members of the Council of the Lieutenant-Governor of Bengal have, in accordance with the Regula-

tions published with the notification of the Government of India in the Legislative Department, No. 10, dated the 23rd June, 1893, recommended Maharaja Rameshwara Singh Bahadur of Darbhanga for nomination as an Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations.

In exercise of the power conferred by section 10 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), and section 1 of the Indian Councils Act, 1892 (55 & 56 Vict., c. 14), the Governor General is pleased to nominate Maharaja Rameshwara Singh Bahadur of Darbhanga to be an Additional Member of the Council of the Governor General.

H. W. C. CANNING,

Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Calcutta, the 19th December 1901.

No. 1792.—The services of Captain T. French, 27th Madras Infantry, are placed temporarily at the disposal of the Government of Madras for employment on plague duty.

SANITARY.

PLAGUE.

The 17th December 1901.

No. 2333.—The following telegram is published for general information:—

Telegram, dated Pera, the 12th December 1901.

From—His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at Constantinople,

To—His Excellency the Viceroy.

Ten days' quarantine imposed on arrivals from Batoum.

The 20th December 1901.

No. 2357.—Whereas the Governor General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Madras City if persons from the Bombay Presidency and the Mysore State are permitted to assemble at that place on the occasion of the ensuing Christmas fair.

In exercise of the power conferred by section 2, sub-section (1), of the Epidemic Diseases Act, 1867 (II of 1877), the Governor General in Council is pleased to direct that no tickets to travel by railway to the stations of Avadi, Ambattur, Villivakkam, Perambur, Madras, Vyasarpandy, Washermoo, Rayapuram, Korrukkupettai, Tondaiyarpette, Tiruvottiyur, Eramavur, Ennur and Vyas Beach on the Madras Railway, and Pallavaram, Saint Thomas' Mount, Saidapet, Kodambakkam, Chetpat, Egmore, Madras Park, Madras Fort, and Madras Beach on the South Indian Railway, shall be sold from the 23rd to the 31st December 1901 (both days inclusive) within the Bombay Presidency and the Mysore State to any person intending or believed to be intending to proceed to the Christmas fair at Madras City.

No. 2363.—The following Notices of the Board of Trade are published for general information:—

(F. & H. 16811.)

Board of Trade (Fisheries and Harbour Department), London, November 20, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of the following Telegram, dated November 19, from His Majesty's Consul General at Lorenzo Marques:—"Sanitary Commission declare clean bill of health for Lorenzo Marques, with endorsement that bubonic plague existing in completely isolated locality about 80 English miles distant."

(F. & H. 16912.)

Board of Trade (Fisheries and Harbour Department), London, November 22, 1901.

The Board of Trade have received, through the Secretary of State for Foreign Affairs, a copy of the following Telegram, dated November 21, from His Majesty's Consul at Karakoram:—"Twelve days' quarantine imposed on arrivals from plague-infected port."

PORT BLAIR.

The 16th December 1901.

No. 701.—Mr. F. E. Tuson, Deputy Superintendent of Port Blair, officiated as Superintendent of Port Blair and Chief Commissioner of the Andaman and Nicobar Islands, in addition to his own duties, from the 10th to the 13th November 1901, inclusive.

The 20th December 1901.

No. 709.—*Corrigendum.*—In Home Department Notification No. 639, dated the 2nd November 1901, granting privilege leave to Mr. A. Brown, 4th Assistant Superintendent, Port Blair, for the 9th November 1901, read the 28th November 1901.

No. 712.—Khan Bahadur Muhammad Ashiq Ali Khan, 5th Assistant Superintendent, Port Blair, is granted privilege leave for one month and 25 days, with effect from the 21st December 1901.

JUDICIAL.

The 20th December 1901.

No. 1704.—The following draft of a Notification, which it is proposed to issue in exercise of the powers conferred by section 8 of the Indian Petroleum Act, 1899 (VIII of 1899), is published for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Governor General in Council on or after the 1st February 1902.

2. Any ^{objection} objection or suggestion which may be received from any person with respect to the draft before the date aforesaid, will be considered by the Governor General in Council:—

DRAFT NOTIFICATION.

In exercise of the powers conferred by section 8 of the Indian Petroleum Act, 1899 (VIII of 1899), the Governor General in Council is pleased to make the following rule to regulate the transport of petroleum from one Province of British India to any other, namely:—

Where petroleum is transported from one Province of British India to any other, the rules relating to the granting of transport licenses and to the transport of petroleum for the time being in force in the Province from which the petroleum is transported, and no others, shall, so far as they can be made applicable, be deemed to apply to the petroleum, so long as it remains in transport, as though it were being transported within the limits of such last-mentioned Province.

J. P. HEWETT.

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATIONS.

ARCHÆOLOGY AND EPIGRAPHY.

Calcutta, the 19th December, 1901.

No. 3305—49-4.—Munshi Gholam Rasool Beg, Head Draftsman, Office of the Archæological Surveyor, North-Western Provinces and Oudh, is appointed, temporarily, to hold charge of the current duties of that office, with effect from the forenoon of the 22nd November, 1901.

FORESTS.

The 18th December, 1901.

No. 1293-F.—163-12.—The undermentioned officers, who have been appointed by His

Majesty's Secretary of State to the Forest Department of India, are appointed to be Assistant Conservators, 2nd grade, with effect from the dates specified opposite their names, and are posted to the provinces noted below:—

Mr. J. C. Hopwood, Burma, 2nd December, 1901.

Mr. H. K. Robinson, Bengal, 28th November, 1901.

Mr. R. St. G. Burke, Assam, 28th November, 1901.

No. 1297-F.—213-6.—Mr. E. A. Down, Deputy Conservator of Forests, 1st grade, is permitted to retire from the service of Government, with effect from the 1st November, 1901, when he was relieved of the charge of the forests in Baluchistan by Bhai Sadou Singh, Extra-Assistant Conservator, 2nd grade, Punjab.

J. B. FULLER.

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS

ACCOUNTS AND FINANCE. ESTIMATES AND ACCOUNTS.

Calcutta, the 20th December, 1901,

No. 6454-A. - Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.

November 1901

Lakhs of Rupees.

	IN NOVEMBER.		TO END OF NOVEMBER.		WHOLE YEAR.	
	1901-1902.	1900-1901.	1901-1902.	1900-1901.	Budget, 1901-1902.	Actuals, Prely. 1900-1901.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation)	71	86	11.70	10.71	28.39	27.45
Opium	59	67	4.94	5.12	6.82	7.05
Salt	73	81	5.07	5.00	8.91	8.95
Stamps	35	44	3.48	3.35	5.02	5.01
Excise	43	41	3.87	3.72	5.95	5.90
Provincial Rates	21	23	2.06	1.84	4.08	3.92
Customs	48	43	3.53	3.08	4.78	5.06
Assessed Taxes	17	19	1.25	1.21	1.82	1.81
Forest (Madras and Bombay only)	3	4	.28	.31	.48	.51
Registration	4	3	.34	.33	.45	.47
Tributes from Native States	2	3	.31	.26	.96	.84
Other Civil Revenue	39	32	3.25	3.05	4.12	8.53
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS	4.15	4.46	41.03	38.88	71.78	76.03
Civil Expenditure.						
Interest on Ordinary Debt and that on Railways and Irrigation Works	-48	-47	-2.57	-2.69	-4.02	-3.90
Opium	-1	2	-2.25	-2.51	-2.65	-2.97
Famine Relief	-1	-15	-45	-2.74	-72	-2.86
Other Civil Expenditure	-1.00	-2.09	-17.95	-17.03	-29.32	-27.24
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS	2.40	-2.73	-23.02	-24.97	-36.71	-30.97
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments:						
[The figures comprise Revenue, Expenditure, and Debt and Remittance transactions.]						
Post Office (Net: + Receipts more, - Receipts less, than issues)	+4	+8	+50	+47	+64	+43
Forest, Marine (Net as above)	-4	+5	-47	-29	+13	-76
Military Receipts	+3	+6	+42	+38	+00	+67
Military Issues	-1.55	-1.34	-11.38	-11.59	-17.70	-17.82
Public Works Department—						
Receipts.						
Ordinary Branches	+8	+11	+1.76	+1.87	+27.42	+3.37
State Railways	+1.69	+1.78	+14.04	+11.97		+25.20
East Indian Railway	+53	+49	+4.30	+3.67		
Guaranteed and Subsidized Railways (Net as above)	+12	+15	+1.05	+1.62		+2.29
Telegraph	+6	+8	+52	+51	+84	+82
TOTAL	+2.48	+2.61	+21.67	+19.04	+29.99	+31.06
Issues.						
Ordinary Branches	-62	-63	-5.40	-7.78	-23.78	-11.17
State Railways	-93	-1.03	-9.05	-8.51		-15.85
East Indian Railway	19	-20	-1.94	-1.87		
Repayment of Guaranteed Railways surplus profits, etc.	...	-13	-21	-25		-27
Telegraph	-6	-7	-48	-47	-85	-75
TOTAL	-1.85	-2.06	-17.08	-18.88	-24.82	-28.04
TOTAL NON-CIVIL DEPARTMENTS	-89	-69	-6.34	-10.27	-11.16	-13.44
Civil Debt and Remittance Transactions.						
Permanent Debt and Special Loans (Net: + Receipts more - Receipts less, than payments)	...	...	+90	+2.93	+1.80	+2.86
Mint Certificates and Indian Advances (Net as above)	-5	-7	+73	+1.08	+1.25	-39
Currency Transfers for Gold in England	...	...	...	...	...	...
Exchange on Remittance Accounts	...	-2	+3	+1	+3	-1
Council Bills paid (including Telegraphic) at Rs 15 per £	-2.29	-1.08	-14.60	-8.94	-25.25	-19.23
Other debt heads (Net as above)	-1.24	-36	-3.08	-2.61	-2.33	-5.89
TOTAL DEBT AND REMITTANCE TRANSACTIONS	-3.58	-1.53	-15.93	-7.48	-24.39	-28.66
GRAND TOTAL RECEIPTS AND ISSUES	-2.81	-40	-4.26	-3.84	-48	+3.26
Opening Cash Balance in Treasuries and Presidency Banks	14.43	9.20	15.90	12.64	16.23	12.64

LEAVE AND APPOINTMENTS.

The 18th December, 1901.

No. 6419-P.—Mr. W. S. Adie, I.C.S., is posted as Deputy Accountant General, Madras, with effect from the 13th of December, 1901, and until further orders.

J. F. FINLAY,
Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Fort William; the 18th December, 1901.

No. 1967-G.—Captain E. W. Hore, M.B., Indian Medical Service (Bengal), an Agency Surgeon of the 2nd class, is, on return from leave, posted as Residency Surgeon in the Persian Gulf.

The 19th December, 1901.

No. 1971-G.—The services of Lieutenant-Colonel C. W. H. Sealy, Indian Staff Corps, lately Political Agent, Kolhapur and Southern Mahratta Country, are replaced at the disposal of the Military Department with effect from the 21st November, 1901.

No. 1975-G.—The services of Lieutenant-Colonel L. L. Fenton, Indian Staff Corps, Acting Political Agent, Mahi Kantha, are replaced at the disposal of the Military Department with effect from the 9th January, 1902.

The 20th December, 1901.

No. 1985-G.—Captain F. B. Prideaux, Indian Staff Corps, a Political Assistant of the 3rd (officiating 2nd) class, is granted privilege leave for two months and twenty-seven days, with effect from the 15th November 1901, and is also granted furlough for one year nine months and three days, under article 340 (b) (IV) (1) of the Civil Service Regulations, in continuation of the privilege leave.

(Notification No. 1774-G., dated the 4th November, 1901, is cancelled.)

No. 1987-G.—With reference to Notification No. 275-G., dated the 18th February, 1901, Mr. J. Scharnhorst, Acting Consul for Germany at Rangoon, has resumed charge of his office.

H. S. BARNES,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 20th December, 1901.

APPOINTMENTS.

ARMY STAFF.

No. 1126.—Colonel E. G. H. Bingham, Royal Artillery, to be Colonel on the Staff, Royal Artillery, Bombay Command, with the temporary rank of Brigadier-General, *vice* Brigadier-General E. Blaksley, whose tenure has expired. Dated 29th November, 1901.

MEDICAL DEPARTMENT.

No. 117.—The undermentioned officers of the Royal Army Medical Corps are granted the temporary rank of Colonel whilst officiating on the Administrative Medical Staff of the Army, with effect from the dates specified:—

Lieutenant-Colonels—

G. D. Bourke. Dated 21st November, 1901.

E. A. Mapleton. Dated 21st November, 1901.

C. H. Swayne. D.S.O. Dated 23rd November, 1901.

REMOUNT DEPARTMENT.

No. 1128.—Captain F. Shakespear, 4th Bengal Lancers, to officiate as 5th Superintendent, Army Remount Department, *vice* Captain C. F. Templer, 1st (Duke of York's Own) Bengal Lancers (Skinner's Horse). Dated 2nd December, 1901.

SUPPLY AND TRANSPORT CORPS.

No. 1129.—Lieutenant R. S. Thomas, Indian Staff Corps, 4th Sikh Infantry, to be Supply and Transport Officer, 6th class, on probation, with effect from the 4th October, 1901.

[Joined his appointment on the 26th November, 1901.]

NATIVE ARMY.

No. 1130.—The following direct appointment is made with effect from date of joining:—

12th Bengal Cavalry.

Gonda Singh to be Jenadar on probation to fill an existing vacancy.

COMMANDS.

DISTRICT.

No. 1131.—Colonel A. G. F. Browne, D.S.O. 2nd Battalion, 4th Gurkha Rifles, officiating Colonel on the Staff, Ferozepore, to officiate in command of a district of the 1st class, *vice* Major-General Sir G. de C. Morton, K.C.I.E., C.B., British Service, vacated. Dated 4th December, 1901.

LONDON GAZETTE.

No. 1132.—The following extracts are published for general information:—

"London Gazette," dated the 26th November, 1901, pages 8090, 8094, 8095 and 8096.

WAR OFFICE,

Pall Mall, 26th November, 1901.

Indian Staff Corps, Captain D. J. Meagher is granted the local rank of Major. Dated 2nd November, 1901.

BREVET.

The undermentioned Lieutenant-Colonels to be Colonels:—

George H. B. Coats, Indian Staff Corps. Dated 28th October, 1901.

India Office, 26th November, 1901.

The King has approved of the following promotions among officers of the Staff Corps and admissions to the Staff Corps made by the Government of India:—

INDIAN STAFF CORPS.

Majors to be Lieutenant-Colonels.

Dated 10th September, 1901.

Brevet-Lieutenant-Colonel Edward William Fane Martin.

Charles Reginald Phillipps.

Brevet-Lieutenant-Colonel Arthur Arnold Barrett.

John Christopher Swann.

Herbert Frecheville Smyth Ramsden

Howard Goad.

Substantive Colonel John Eccles Nixon.

John Mark Anthony Retallick.

James Alexander Bell.

Herbert Godfray.

William St. Lucien Chase, V.C.

Herbert Leonard Hutchins.

Cecil Barry Brownlow.

George Augustus Williams.

Brevet-Lieutenant-Colonel Walter Cook.

William du Gard Gray.

Richard Kinlock Teversham, D.S.O.

John Francis Wilson.

Ernest William Cunliffe.

Brevet-Lieutenant-Colonel Laurence Julius Elliott Bradshaw.

Dated 21st September, 1901.

George Eusébe Even.

John Graham Smith.

Alexander Edward Pelham Burn.

Captains to be Majors.

Dated 10th July, 1901.

Francis Edward Younghusband, C.I.E.

Dated 1st September, 1901.

Stephen Lushington Aplin

Ralph Charles Osborne Creagh.

Lieutenants to be Captains.

Dated 10th July, 1901.

Frank Hay Norie.

William Horst Nicolson.

Arthur Hunter Brist.

Donald Hugh McNeile.

Arthur Noel Davidson.

Edward Savi Earle.

George Dodd.

Hugh Maurice Wellesley Souter.

Francis Thackeray Warren-Cornish.

William Wilfred Bickford.

Dated 12th July, 1901.

Arthur Manson Houston.

Dated 13th July, 1901.

Arthur Wilson Chitty.

Arthur Dennis Gilbert Ramsay.

George Geoffrey Prendergast Humphreys.

Dated 25th July, 1901.

Hugh Edward Herdon.

Dated 26th July, 1901.

Archibald Ythen Cheyne.

Dated 4th August, 1901.

Julian Frizelle.

Dated 13th August, 1901.

Stewart Blakely Agnew Patterson.

John Francis Bennett.

Walter James Henry Hunter.

Henry Keith Barr.

Æneas Charles-Perkins.

John Hodson Doveton.

Cyril Grey Stansfeld.

Dated 31st August, 1901.

Robert Francis Warburton.

Richard Ducat.

Dated 3rd September, 1901.

Patrick Henry Dundas.

Walter Bulmer Tait Abbey.

John Edward Hughes.

John Henry Keith Stewart.
 Bernard Maynard Lucas Brodhurst.
 John Stebbing Corlett.
 George Marcus Godfrey Parker.
 Edwin Christian Corbyn.
 Cyril Rodney Harbord.
 Ernest George Wilberforce Pratt.
 Robert Macpherson Hall.
 Walter FitzAlan Stewart.
 Sheridan Knowles Brownlow Rice.
 Ralph de Seton Dudgeon.
 Robert Lumsden Ricketts.
 Beauchamp Henry Butler Magrath.
 George Annesley Ross Watts.
 Edward Egerton Barwell.

Dated 7th September, 1901.

James Craik.

Dated 14th September, 1901.

George Henry Badcock.

Howard Alaric Gib.

To be Lieutenants.

Lieutenant Ambrose Upton Gledstanes, from the Royal Scots (Lothian Regiment). Dated 4th July, 1901, but to rank from 24th October, 1899.

Lieutenant Alexander Charles Broughton Mackinnon, from the Northamptonshire Regiment. Dated 13th July, 1901, but to rank from 4th June, 1900.

Lieutenant Robert Kidgway, from the Dorsetshire Regiment. Dated 18th June, 1901, but to rank from 1st August, 1900.

Lieutenant Paul FitzGerald Norbury, from the Royal Irish Regiment. Dated 24th June, 1901, but to rank from 18th September, 1900.

Lieutenant Theodore Eardley-Wilmot, from the East Surrey Regiment. Dated 20th June, 1901, but to rank from 14th January, 1901.

The dates of rank of the undermentioned officers whose admission to the Staff Corps was notified in the *London Gazette*s of 23rd August, 1st January, and 19th April, 1901, respectively, are as follows and not as shown in those gazettes:—

Lieutenant H. P. Watts, 7th December, 1899.

Lieutenant C. J. Torrie, 21st March, 1900.

Lieutenant W. W. Muir, 28th October, 1900.

Second-Lieutenants to be Lieutenants.

John Francis Stanhope Duke Coleridge. Dated 20th May, 1901.

Norman Macleod. Dated 15th July, 1901.

To be Second-Lieutenants.

Second-Lieutenant Thomas Claude Catty, from the West Yorkshire Regiment. Dated 6th July, 1901, but to rank from 12th August, 1899.

Second-Lieutenant Arthur Gaussen Murray, from the Dorsetshire Regiment. Dated 28th May, 1901, but to rank from 6th December, 1899.

The King has also approved of the transfer to the half-pay list of the undermentioned officer:—

INDIAN MEDICAL SERVICE.

Lieutenant-Colonel Frederic Daly Cæsar Hawkins. Dated 26th October, 1901.

The King has also approved of the retirement from the service of the undermentioned officers:—

INDIAN STAFF CORPS.

Colonel Neville Francis FitzGerald Chamberlain, C.B. Dated 1st November, 1901.

Lieutenant-Colonel William Hutt Curzon Wyllie, C.I.E. Dated 17th July, 1901.

Lieutenant-Colonel Francis Macdonald Drury. Dated 1st November, 1901.

INDIAN MEDICAL SERVICE.

Lieutenant-Colonel William Allason Simmonds. Dated 9th August, 1901.

The retirement of Lieutenant-Colonel C. Adams has effect from 8th July, 1901, and not as previously notified.

The retirement of Major G. H. Fink has effect from the 13th July, 1901, and not as previously notified.

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

Senior Assistant-Surgeon, with the honorary rank of Captain George Francis Fox. Dated 18th July, 1901.

MISCELLANEOUS DEPARTMENT, MADRAS.

Deputy Assistant Commissary, with the honorary rank of Lieutenant Charles Davies. Dated 20th August, 1901.

* * * * *

ERRATA.

* * * * *

The correct order of seniority of the undermentioned Lieutenants of the Staff Corps is as follows, and not as notified in the *London Gazette*s of 23rd August, 1901, and 4th October, 1901:—

G. G. J. Sankey.

P. S. Stoney.

E. R. C. Wyatt.

H. R. A. Hunt.

A. W. Robertson-Glasgow.

J. Y. Tancred.

H. B. Robinson.

C. E. M. Mayne.

B. G. Denton.

G. M. Glynton.

H. F. Gordon.

A. B. Skinner.

G. H. Newcombe.

T. G. J. Torrie.

E. F. Wakefield.

M. Eliot.

PROMOTIONS.

INDIAN STAFF CORPS.

No. 1133.—Subject to His Majesty's approval, the undermentioned Major is granted the temporary rank of Lieutenant-Colonel whilst serving as regimental Commandant, Indian Army:—

William Joseph Newell,—19th August, 1901.

No. 1134.—The following promotions are made, subject to His Majesty's approval:—

Second-Lieutenants to be Lieutenants.

1st April, 1901.

Bertie Clephane Hawley Drew.

25th April, 1901.

Percy Byng Hall.

2nd November, 1901

James Peters.

MISCELLANEOUS LIST.

Bengal.

No. 1135.—Sergeant John Thorburn to be Sub-Conductor, with effect from the 2nd September, 1901, *vice* Sub-Conductor George Cutting, transferred to the pension establishment.

(This cancels G. G. O. No. 1055 of 1901.)

No. 1136.—Sergeant Frederick Nimrod Press to be Sub-Conductor, with effect from the 15th October, 1901, *vice* Sub-Conductor W. Mack, transferred to the pension establishment.

SUPPLY AND TRANSPORT CORPS.

Bengal.

No. 1137.—In G. G. O. No. 1233 of 1900, for "Sergeant (supernumerary Sub-Conductor) James Hewitt" read "Henry Gilbert Booth."

In G. G. O. No. 781 of 1901, insert the name of "Sergeant (supernumerary Sub-Conductor) James Hewitt" above that of "Sergeant (supernumerary Sub-Conductor) Herbert George Roach" and enclose it in the same bracket as the latter.

Omit the name of "Sergeant (supernumerary Sub-Conductor) Henry Gilbert Booth" and the entry against it from this G. G. O.

No. 1138.—Assistant Commissary and Honorary Lieutenant Stephen Minchin Mercer to be Deputy Commissary and to have the honorary rank of Captain, subject to His Majesty's approval;

Deputy Assistant Commissary and Honorary Lieutenant William Wilson to be Assistant Commissary;

Conductor Amos Denton to be Deputy Assistant Commissary and to have the honorary rank of Lieutenant, subject to His Majesty's approval;

Sub-Conductor Henry McConachie to be Conductor; and

Sergeant Alfred Charles Chattleburgh to be Sub-Conductor,—

with effect from the 1st January 1901, *vice* Deputy Commissary and Honorary Captain T. J. Ellis, seconded.

No. 1139.—Sub-Conductor William Frederick Driesen to be Conductor and Sergeant Maurice Jacobs to be Sub-Conductor, with effect from the 1st January, 1901, *vice* Conductor (supernumerary Deputy Assistant Commissary and Honorary Lieutenant) J. Staines, seconded.

No. 1140.—Sub-Conductor Edward Alfred Browne to be Conductor, and Sergeant Leonard William Gillman to be Sub-Conductor, with effect from the 1st January, 1901, *vice* Conductor (supernumerary Deputy Assistant Commissary and Honorary Captain) D. J. Meagher, seconded.

No. 1141.—Sergeant William Henry Peppe to be Sub-Conductor, with effect from the 15th January, 1901, *vice* Sub-Conductor F. Ferris, seconded.

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

Bengal.

No. 1142.—Subject to His Majesty's approval, the following promotion is made, with effect from the 11th December, 1901, in recognition of services rendered in connection with plague operations at Jubulpore.

To be Senior Assistant Surgeon with the honorary rank of Lieutenant.

First class Assistant Surgeon M Windross.

NATIVE ARMY.

No. 1143.—The following promotions are made in the undermentioned regiments:—

1st (The Duke of Connaught's Own) Bombay Lancers.

Dafadar Bhagwan Sing to be Jemadar, *vice* Dwarika Sing, deceased, with effect from the 7th August, 1901.

45th (Rattray's) Sikh Infantry.

Jemadar Kishan Singh to be Subadar, and Havildar Sundar Singh to be Jemadar, *vice* Jaimal Singh, transferred to the pension establishment, with effect from the 1st November, 1901.

1st Battalion, 2nd (Prince of Wales' Own) Gurkha Rifles (The Sirmoor Rifles).

Jemadar Dhian Sing Thapa to be Subadar and Havildar Karn Sing Gurung to be Jemadar, *vice* Makria Rana, transferred to the pension establishment, with effect from the 1st November, 1901.

24th (Duchess of Connaught's Own) Baluchistan Infantry.

The promotion to Subadar of Jemadar Sikan-dar Shah, notified in G. G. O. No. 411 of the 10th May, 1901, is cancelled.

RETIREMENTS.

No. 1144.—Lieutenant-Colonel Henry Turner Faithfull, Indian Staff Corps, Commandant, 31st Punjab Infantry, has been permitted by the Secretary of State for India to retire from the service, with effect from the 1st February, 1902, subject to His Majesty's approval.

No. 1145.—The undermentioned departmental officers with honorary rank are permitted to retire from the service with effect from the dates specified, subject to His Majesty's approval:—

Honorary Captain Evon Highway, Deputy Commissary, Public Works Department, Assistant Engineer, Military Works Services, 1st December, 1901.

Honorary Captain George Cooper, Deputy Commissary, Miscellaneous List, head clerk, office of the Inspector General of Artillery in India, 1st January, 1902.

No. 1146.—The retirement of Lieutenant-Colonel E. Bovill, M.D., Indian Medical Service (Bengal), should be from the 9th November, 1901, and not as notified in G. G. O. No. 994 of 1901.

REWARDS.

No. 1147.—The Governor General in Council is pleased to notify that the title of "Bahadur" is conferred on the undermentioned native officers under the Resolution of the Government of India in the Military Department, No. 867-B., dated the 27th February, 1893:—

Ressaidar Ramzan Ali Khan, Queen's Own Corps of Guides Cavalry.

Pensioned Subadar Gangnak Krisnak, late of the 19th Bombay Infantry.

SPECIAL.

No. 1148.—With reference to article 280, Army Regulations, India, Vol. 1, Part 1, the undermentioned officers, having been absent from military duty for ten years, are transferred to the supernumerary list, with effect from the dates specified:—

Major G. H. Loch, C.I.E., Indian Staff Corps, commandant, Lushai Hills Military Police Battalion. Dated 2nd November, 1901.

Lieutenant-Colonel H. D. M. Minchin, Indian Staff, Corps Cantonment Magistrate, Poona and Kirkee. Dated 2nd December, 1901.

Captain A. E. Barton, Indian Staff Corps, Assistant Commissioner, 1st grade, Punjab. Dated 15th December, 1901.

VOLUNTEER CORPS.

PROMOTIONS AND RESIGNATIONS.

No. 1149.—*East Indian Railway Volunteer Rifles*—

Captain Alexander Jenkins, V.D., supernumerary list, resigns his commission and is permitted, on retirement, to retain his rank and wear the uniform of the corps.

No. 1150.—*Eastern Bengal State Railway Volunteer Rifles*—

Second-Lieutenant Nicholas Damiano to be Lieutenant with effect from the 22nd August, 1901, to complete the establishment on augmentation.

No. 1151.—*Bombay Volunteer Rifles*.—

Captain Frederick William English is granted the honorary rank of Major.

No. 1152.—*Rohilkhand Volunteer Rifles*—

G. G. O. No. 866 of 1901 is cancelled.

MEDALS AND DECORATIONS.

No. 1153.—In G. G. O. No. 1074 of 1901, *delete* "Poona Volunteer Rifles—Captain A. Thomson."

MARINE DEPARTMENT.

APPOINTMENTS.

No. 44.—Chief Engineer F. S. Lamb, Royal Indian Marine, is appointed Inspector of Machinery, Royal Indian Marine Dockyard, Kidderpore, with effect from the 20th December, 1901, *vice* Chief Engineer C. Fuller, Royal Indian Marine.

No. 45.—The following appointment to the Royal Indian Marine has been made by the Right Hon'ble the Secretary of State for India, with effect from the 11th September, 1901:—

To be Sub-Lieutenant.

Charles Arthur Scott.

E. G. BARROW, *Major-General,*

Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 20th December, 1901.

Under clause 53 of the Regulations appended to the Regimental Debts Act, 1893, it is notified that a report of the death of the undermentioned commissioned officer on the date specified was received in the Military Department between the 14th and the 20th December, 1901:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
Indian Subordinate Medical Department (Bengal).	Senior Assistant Surgeon and Honorary Captain John Davis.	1st November, 1901.	Lahore	...	

Statement of Deposits on account of Estates between the 14th and the 20th December, 1901.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total un-claimed amount deposited.	Date to which claims will be received.
Henry Dermot Daly(a)	Captain	Indian Staff Corps, 32nd Burma Infantry.	21st April, 1901.	Intestate	R s. p. 498 0 2	28th January 1902.

(a) *Mother.*—Mrs. Clara Daly.
Address.—Stanley Villa, Coonoor, Nilgiri Hills.

E. G. BARROW, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

RAILWAYS.

NOTIFICATIONS.

Calcutta, the 14th December, 1901.

No. 511.—Mr. C. H. C. Bickerton, Executive Engineer, 1st grade, State Railways, and Officiating Deputy Consulting Engineer to the Government of India for Railways, Lucknow, is granted privilege leave for one month and six days combined with furlough for one year seven months and four days, under articles 264A and 340 (b) of the Civil Service Regulations, with effect from the 1st January, 1902, or such subsequent date as he may be permitted to avail himself of it.

No. 512.—Mr. J. E. Dallas, Executive Engineer, 1st grade, State Railways, attached to the Office of Consulting Engineer to the Government of India for Railways, Lucknow, is appointed Junior Consulting Engineer to the Government of India for Railways, Calcutta, with the temporary rank of Superintending Engineer, 3rd class, until further orders.

The 16th December, 1901.

No. 513.—Mr. L. C. D. Bean, Officiating Deputy Traffic Superintendent, North Western railway, in class I, grade 3, of the Superior Revenue Establishment of State Railways, reverted to his substantive appointment of District Traffic Superintendent in class II, grade 2 of that Establishment, with effect from the forenoon of 22nd October, 1901.

The 19th December, 1901.

No. 518.—Mr. J. S. Trench, Assistant Traffic Superintendent in Class III, grade 4, of the Superior Revenue Establishment of State Railways, is promoted to class III, grade 3, of that Establishment, with effect from the 17th September, 1901.

No. 519.—Mr. Reginald Wright, Mechanical Draftsman, Oudh and Rohilkhand railway, is appointed to the Superior Revenue Establishment of State Railways, Locomotive Department, in Class III, grade 2, of that Establishment, and his services are placed at the disposal of the Director of Railway Traffic for employment on the Oudh and Rohilkhand railway.

No. 521.—The Governor General in Council is pleased to sanction, under section 16, sub-section (1), of the Indian Railways Act, 1890 (IX of 1890), the use of locomotive engines and of rolling stock to be drawn or propelled thereby on the Bujudih-Jherriah connection lines of the Bengal Nagpur railway, *vis.*—

- (i) Bujudih-Pathardihi link;
- (ii) Bujudih *via* Mulkeera to Mloda, including Bhaga connection;
- (iii) Bhowra siding;
- (iv) Southern half of Mulkeera-Katrasgarh cross connection.

The 20th December, 1901.

No. 522.—Mr. L. C. D. ~~Bean~~, District Traffic Superintendent, North Western railway, in Class II, grade 2, of the Superior Revenue Establishment of State Railways, is appointed to officiate as Deputy Traffic Superintendent, Eastern Bengal State railway, in Class I, grade 3, of that Establishment.

No. 523.—With reference to Public Works Department Notification No. 522, dated the 20th December, 1901, Mr. W. H. H. James, Officiating Deputy Traffic Superintendent, Eastern Bengal State railway, in Class I, grade 3, of the Superior Revenue Establishment of State

Railways, reverts to his substantive appointment of District Traffic Superintendent in Class II, grade 2, of that Establishment, with effect from the date on which he is relieved of his duties by Mr. L. C. D. Bean.

The 17th December, 1901.

No. 520.—The following is published for general information :—

No. 1280 R. T.

GOVERNMENT OF INDIA—PUBLIC WORKS DEPARTMENT—RAILWAY TRAFFIC.

Calcutta, the 17th December, 1901.

READ—

Sections 3 (4), 16 (2), 47 and 148 (1) of the Indian Railways Act, 1890 (IX of 1890).

Government of India, Public Works Department, notification No. 480½, dated the 30th October 1890, and the Government of India resolution No. 736 R. T., dated the 17th October 1890, published thereunder.

Memorandum from the Consulting Engineer to the Government of India for Railways, Calcutta, No. 532, dated the 23rd November 1901, forwarding letter from the Agent and Chief Engineer, Bengal Nagpur Railway Company, No. C. 15910, dated the 19th November 1901.

OBSERVATIONS.—The Agent and Chief Engineer of the Bengal Nagpur Railway Company has applied for leave to adopt the General Rules for working railways under construction and not used for the public carriage of passengers, animals or goods, which rules were published in the *Gazette of India* of the 8th November 1890, under Public Works Department notification No. 480½, dated the 30th October 1890, on the lines of the Bengal Nagpur railway in the Jherriah coal-fields area.

RESOLUTION.—The Governor General in Council is pleased to sanction the application of the General Rules which are referred to in the foregoing observations to the lines of the Bengal Nagpur railway in the Jherriah coal-fields area which have been sanctioned for construction.

ORDER.—Ordered that the General Rules, which have already been published in the *Gazette of India* of the 8th November 1890, be further notified to the railway servants and to the public by a copy thereof being kept open to inspection free of any charge in the office of the engineer in charge of the construction of the railway.

Ordered, also, that this resolution be communicated to the Consulting Engineer to the Government of India for Railways, Calcutta, for information and guidance, and that it be published under a notification in Part I of the *Gazette of India*.

A. BRERETON,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

IRRIGATION, ROADS AND BUILDINGS.

NOTIFICATIONS.

Calcutta, the 17th December, 1901.

No. 514.—Mr. E. E. Desbruslais, passed student, Sibpur Civil Engineering College, is appointed to the Provincial Service of the Engineer Branch of the Public Works Department as an Apprentice, and is posted to Bengal.

The 18th December, 1901.

No. 516.—With reference to Public Works Department Notification No. 436 of 30th October, 1901, Mr. G. T. Barlow, Superintending Engineer, 3rd class, *temporary rank*, North-Western Provinces and Oudh, reverted to his substantive rank of Executive Engineer, 2nd grade, from the afternoon of the 31st October, 1901.

The 20th December, 1901.

No. 524.—The Governor-General in Council is pleased to order the following reversion: the Engineer Establishment attached to the Minor Administrations list, with effect from the d specified :—

NAME.	From	To	With effect from
Hemming, Capt. N. M., R.E.	Executive Engineer, 3rd grade, <i>temporary rank</i> .	Assistant Engineer, 1st grade	23rd October, 1901.
Ishwari Prasad . . .	Executive Engineer, 3rd grade, <i>temporary rank</i> .	Assistant Engineer, 1st grade	5th November, 1901.

TELEGRAPHS.

The 18th December, 1901.

No. 515.—Mr. G. W. Talbot, Assistant Superintendent, Class VI, 2nd grade, Indian Telegraph Department, is appointed to officiate as Superintendent, 2nd grade, with effect from the forenoon of the 19th September, 1901, and until further orders.

The 19th December, 1901.

No. 517.—The following is published for general information :—

No. 1435 C. W.—T.

GOVERNMENT OF INDIA—PUBLIC WORKS DEPARTMENT—CIVIL WORKS—TELE-
GRAPHS.

Calcutta, the 16th December 1901.

Officials in India and certain others, out of India but under the control of the Government of India, who are authorised to send Foreign State telegrams.

READ—

Public Works Department Resolution No. 243 T., dated 5th October 1888.

Letter from the Director General of Telegraphs, No. 45 T., dated 1st August 1901.

RESOLUTION.—The Governor General in Council is hereby pleased to order that the privilege of sending Foreign State telegrams shall be strictly limited to the officers named in the accompanying list, which supersedes that published with Public Works Department Resolution No. 243 T., dated 5th October 1888.

ORDER.—Ordered, that copies of this Resolution be communicated to the

The Foreign, Finance and Commerce, Home, Military, and Legislative Departments.

The Department of Revenue and Agriculture.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, the Punjab, and Barma.

The Honourable the Chief Commissioners, Central Provinces, Assam, and Coorg.

The Honourable the Resident at Hyderabad.

The Honourable the Agents to the Governor General in Central India, Rajasthan, Baluchistan, and North-West Frontier Province.

The Accountant General, Public Works Department.

The Director General of Military Works.

The Director of Railway Construction.

The Consulting Engineers to the Government of India for Railways, Calcutta, Lucknow, and Assam.

The Director General of Telegraphs.

Departments of the Government of India and to the Local Governments and Administrations, noted in the margin, for information and guidance and communication to the officers subordinate to them.

Also that the Resolution be published in the *Gazette of India*, and that copies be communicated to the Chambers of Commerce in Madras, Bombay, Bengal, Rangoon, and Karachi.

Enclosure to P. W. D. Resolution No. 1435 C. W —T., dated 16th December 1901.

Officials in India and certain others, out of India but under the control of the Government of India, who are authorised to send Foreign State telegrams.

Titles of officials.	Authorised places or persons to whom Foreign State telegrams may be sent.
1. Viceroy	All places and persons.
2. Governor of Madras	Ditto ditto.
3. Governor of Bombay	Ditto ditto.
4. Grand Master of Star of India	Ditto ditto.
5. Commander-in-Chief in India	Ditto ditto.
6. Naval Commander-in-Chief	Ditto ditto.
7. Lieutenant-General Commanding the Forces, Punjab.	Ditto ditto.
8. Lieutenant-General Commanding the Forces, Bengal.	Ditto ditto.
9. Lieutenant-General Commanding the Forces, Madras.	Ditto ditto.
10. Lieutenant-General Commanding the Forces, Bombay.	Ditto ditto.
11. Resident at Aden	Ditto ditto.
12. Political Resident in the Persian Gulf	Ditto ditto.
13. Secretary to Grand Master of Star of India.	Ditto ditto.
14. Secretaries to Government of India	Ditto ditto.
15. Secretaries to Government of Madras	Ditto ditto.
16. Secretaries to Government of Bombay	Ditto ditto.
17. Director General of Post Office	Ditto ditto.
18. General Agent in India for the East Africa, Uganda, and British Central Africa Protectorates and Zanzibar on behalf of His Majesty's Government.	Ditto ditto.
19. All Local Governments and Administrations.*	Officers serving under their orders, on leave out of India, and, on matters relating to indents or supply of stores indented for, to Secretary of State for India.
20. Lieutenant-Governor, Burma	China, Penang, Singapore, and Siam.
21. Agent to Governor General for Baluchistan.	Places on Mekran Coast and Meshed.
22. Commissioner in Sind	Places on Mekran Coast, in Persian Gulf, Aden, Maskat (Muscat), and Mombassa.

* The Local Governments and Administrations are:—
Governments of Bengal, Burma, North-Western Provinces and Oudh, and Punjab.
Chief Commissioners of Central Provinces, Assam, and Coorg.
Resident at Hyderabad.
Agents to Governor General for Central India, Rajputana, Baluchistan, and North-West Frontier Province.

Officials in India and certain others, out of India but under the control of the Government of India, who are authorised to send Foreign State telegrams—contd.

Titles of officials.	Authorised places or persons to whom Foreign State telegrams may be sent.
23. Chief Secretary to Government of Burma	Siam.
24. Secretary to Government of Bengal	To any port from which shipping comes to Calcutta and Rangoon, on matters relating to health enquiries and quarantine regulations.
25. Secretary to Government of Burma	Ditto ditto.
26. Under Secretaries to Government of Bengal.	Ditto ditto.
27. Private Secretary to Governor of Bombay	Resident at Aden.
28. Adjutant General	All places out of India to which Indian troops are sent on duty or on active service.
29. Quarter Master General	Ditto ditto.
30. Accountant General, Military Department.	Ditto ditto.
31. General Officer Commanding, Calcutta	Ditto ditto.
32. General Officer Commanding, Madras	Ditto ditto.
33. General Officer Commanding, Rangoon	Ditto ditto.
34. General Officer Commanding, Karachi	Ditto ditto.
35. General Officer Commanding, Bombay	Ditto ditto.
36. Inspector General, Imperial Service Troops.	Ditto ditto.
37. Controller, Military Accounts, Bombay	Ditto ditto.
38. Controller, Military Accounts, Bengal	Ditto ditto.
39. Controller, Military Accounts, Madras	Ditto ditto.
40. Controller, Military Accounts, Punjab	Ditto ditto.
41. Principal Medical Officer, His Majesty's Forces in India.	Director General, Army Medical Department, London, and all places out of India to which Indian troops are sent on duty or on active service.
42. Director General, Military Works	Aden and, on matters relating to indents or supply of stores indented for, to Secretary of State for India.
43. Director General, Supply and Transport	Secretary of State for India, on matters relating to indents or supply of stores indented for, and all places out of India to which Indian troops are sent on duty or on active service.
44. Director General of Ordnance in India	Secretary of State for India, on matters relating to indents or supply of stores indented for, and all places out of India to which Indian troops are sent on duty or on active service.

Officials in India and certain others, out of India but under the control of the Government of India, who are authorised to send Foreign State telegrams—contd.

Titles of officials.	Authorised places or persons to whom Foreign State telegrams may be sent.
45. Director, Royal Indian Marine . . .	Any authority or place (except the Admiralty and, unless on matters relating to indents, the Secretary of State).
46. Deputy Adjutant General, Bombay Command.	Aden.
47. Chief Engineer, Military Works Department, Bombay.	Executive Engineer, Military Works Department, and General Officer Commanding at Aden.
48. Inspector General, Ordnance, Southern Circle, Poona.	Aden.
49. Resident Transport Officer at Bombay .	Director of Transports at the Admiralty, and all places out of India to which Indian troops are sent on duty or on active service
50. Commanders of His Majesty's Ships .	Naval and Marine authorities at any port.
51. Supply and Transport Officer, Karachi .	Aden and Egypt. places on Mekran Coast and Persian Gulf.
52. Superintendent of Marine Surveys to Government of India.	Harbour Master of Aden, or Harbour Masters of other ports in Indian waters out of India.
53. Political Agent in South Eastern Baluchistan.	Places on the Mekran Coast.
54. Political Resident in Turkish Arabia .	Bassorah, Constantinople, Teheran, and the Persian Gulf.
55. Assistant Political Resident in Turkish Arabia.	Baghdad.
56. General Superintendent, Thagi and Dakaiti Department.	Baghdad and the Persian Gulf.
57. Post Master General, Bombay . . .	Post Master, Aden; Mail Officers, Aden, Suez, Alexandria, and Port Said; Postal Officers attached to any Expeditionary Force, Indian Post Offices in Turkish Arabia and Persian Gulf; Secretary, General Post Office, London; Consul General Zanzibar; and Post Master, Zanzibar.
58. Presidency Post Master, Bombay .	General Post Office, London; Post Masters, Gibraltar, Marseilles, Malta, Brindisi, Trieste, Vienna, Alexandria, Suez, Aden, Cyprus, Mauritius, and Bushire; Travelling Post Offices in France and Austria; Post Masters, Penang, Singapore, Hong Kong; Post Masters in Australia, Tasmania, and New Zealand; Mail Officers, Aden, Suez, Alexandria, and Port Said.
59. Post Master General, Punjab . . .	Post Office Officers with the China Expeditionary Force.
60. Comptroller General	Baghdad, and to Secretary of State for India.
61. Accountant General, Bombay . . .	Secretary of State for India, to Aden, Baghdad, and Bushire.

Officials in India and certain others, out of India but under the control of the Government of India, who are authorised to send Foreign State telegrams—concl'd.

Titles of officials.	Authorised places or persons to whom Foreign State telegrams may be sent.
62. Deputy Surveyor General in charge Trigonometrical Surveys.	Astronomer Royal, Greenwich.
63. Officer in charge Tidal Observations, Survey of India.	Port Officer, Aden.
64. Port Officer, Karachi	Aden and Red Sea Ports.
65. Port Store-keeper, Bombay	General Officer Commanding in Egypt.
66. Registrar, High Court (Appellate Side), Bombay.	Aden, Zanzibar, and places in Persian Gulf.
67. Meteorological Reporter to the Government of India and Director General of Indian Observatories.	Port Officer, Aden.
68. Presidency Port Officer, Madras	Australia, New Zealand, Straits Settlements, China, Aden, Persian Gulf Ports, Red Sea Ports, Port Said.
69. Emigration Agent at Karachi for the East Africa, Uganda, and British Central Africa Protectorates.	Chief Engineer and Chief Accountant of the Uganda railway at Mombassa and Nairobi.
70. Director General of Telegraphs	Secretary of State for India, on matters relating to indents or supply of stores indented for.
71. Director General, Indian Medical Service	Ditto ditto.

C. W. ODLING,
Offg. Secretary to the Government of India



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 21, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, etc.

GAZETTE OF INDIA.

NOTICE,

The 30th September, 1901.

From the 9th November next till further notice, the complete *Gazette of India* will be published at Calcutta. After the 2nd November all Notifications and other matter intended for publication in the Gazette should be addressed to the Publisher, 8, Hastings Street, Calcutta.

Attention is invited to the following Circular Memo. of the Government of India, Home Department, of August, 1901:—

"It has been brought to the notice of this Department that matter for the *Gazette of India* is sometimes sent to the Press late on Friday evenings for publication in the next day's Gazette, and that this involves considerable inconvenience to the Press and expense to Government. In the Circular Memorandum of this Department, No. 777—79, dated 9th February, 1899, the Government of India directed that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Press not later than 2 P.M. on Friday, and that any papers sent thereafter must be certified to be extremely urgent in order to ensure their appearance in the next day's Gazette. The undersigned is directed to request that these orders may be more strictly observed in future and that Departments will refrain from sending to the Press as extremely urgent any papers which can without harm or inconvenience be held over for the next Gazette."

J. P. HEWETT,
Secretary to the Government of India.

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Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the date on which it is due.

W. ROSS,
Publisher, *Gazette of India*

II A

WHOLE YEAR.			APRIL TO OCTOBER.			DISBURSEMENTS.			WHOLE YEAR.			APRIL TO OCTOBER.			
Preliminary Accounts, 1900-1901.	Budget, 1901-1902.		1900-1901.	1901-1902.	Increase.	Decrease.			Preliminary Accounts, 1900-1901.	Budget, 1901-1902.		1900-1901.	1901-1902.	Increase.	Decrease.
£	£		£	£	£	£			R	R		R	R	R	R
33,200	37,600		17,700	21,500	3,800	...	Expenditure.		11,241,300	11,59,83,000		7,04,63,000	6,72,93,000	..	31,70,00
3,098,600	3,019,300		2,236,000	2,243,500	7,500	...	Direct Demands on the Revenues		4,074,000	4,81,77,000		2,27,09,000	2,14,72,000	..	12,37,00
337,000	375,000		185,700	233,200	47,500	...	Interest (including in India that on Capital Expenditure on Railways		2,537,000	2,78,52,000		1,42,35,000	2,13,51,000	71,16,000	...
683,300	584,600		304,600	320,000	21,400	...	and Irrigation Works		15,281,500	16,31,14,000		8,61,62,000	9,94,50,000	32,83,000	...
2,315,000	2,327,600		1,424,400	1,498,500	14,100	...	Post Office Telegraph and Mint		2,583,000	2,70,73,000		1,45,34,000	1,531,500	8,11,000	...
7,800	...		6,400	1,600	...	4,800	Salaries and Expenses of Civil Departments		6,254,300	1,50,00,000		5,74,35,000	63,63,000	..	5,10,69,00
6,145,900	6,458,300		3,796,100	4,019,400	223,300	...	Miscellaneous Civil Charges		13,09,62,000	13,42,76,000		7,30,09,000	8,54,31,000	1,24,22,000	...
1,000	1,000		500	900	400	...	Famine Relief and Insurance		2,05,20,000	2,18,27,000		1,06,09,000	1,14,76,000	77,000	...
133,300	112,000		70,600	73,700	3,100	...	Railway Revenue Account excluding in India Interest on Capital		5,731,400	7,11,91,000		2,59,07,000	2,93,88,000	31,81,000	...
4,442,000	5,228,500		2,069,600	2,377,800	308,200	...	Expenditure ditto ditto		16,14,50,000	17,86,03,000		9,19,30,000	9,44,96,000	25,66,000	...
6,900	...		6,700	100	...	5,600	Other Public Works		79,00,78,000	80,30,96,000		45,70,55,000	44,16,03,000	..	2,54,53,00
17,203,600	18,143,900		10,178,300	10,796,200	617,900	...	Army Services		...	...		...	...	..	...
...	...		...	...	...	...	Special Defence Works		...	...		...	...	..	...
...
17,203,600	18,143,900		10,178,300	10,796,200	617,900	...	...		79,00,78,000	80,30,96,000		45,70,55,000	44,16,03,000	..	2,54,53,00
654,900	1,483,000		315,500	528,900	213,400	...	...		...	...		...	...	..	...
5,922,400	26,900		5,922,400	5,922,400
...
6,577,300	1,510,800		6,237,900	528,900	...	5,709,000
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Expenditure.

Direct Demands on the Revenues
Interest (including in India that on Capital Expenditure on Railways and Irrigation Works)
Post Office Telegraph and Mint
Salaries and Expenses of Civil Departments
Miscellaneous Civil Insurance
Famine Relief and Insurance
Railway Revenue Account (excluding in India Interest on Capital Expenditure)
Irrigation ditto ditto
Other Public Works
Army Services
Special Defence Works

TOTAL EXPENDITURE, IMPERIAL AND PROVINCIAL

Add—Provincial Surpluses: that is, portion of allotments to, Provincial Governments not spent by them in the year
Deduct—Provincial Deficits: that is, portion of Provincial Expenditure defrayed from Provincial balances

TOTAL EXPENDITURE CHARGED AGAINST REVENUE

Railway and Irrigation Capital not charged to Revenue.

Capital Outlay on Railways and Irrigation Works
Capital Charge involved in Redemption of Liabilities
Capital of Railway Companies (net payments)
TOTAL

Debt, Deposits and Advances.

Permanent Debt (net discharged)
Temporary do. (do.)
Unfunded do. (do.)
Deposits and Advances by Imperial Government
Loans and Advances by Provincial Governments
Do. do. by Provincial Governments
Capital Account of Local Boards (net payments)
Remittances (net)
Secretary of State's Bills paid
Do. do. exchange

TOTAL

TOTAL DISBURSEMENTS

Closing Balance

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.

INVENTIONS and DESIGNS

Calcutta, the 19th December 1901.

NOTIFICATIONS.

No. 3984 P.—APPLICATIONS in respect of the under-mentioned inventions have been filed, under the provisions of the Inventions and Designs Act of 1888, in the office of the Secretary appointed under that Act during the week ending 14th December 1901 :—

No. 472 of 1901.—William Charles Lumsden, mechanical engineer, of 153, Dhurumtollah street, in the town of Calcutta. *Improved means for fastening and securing butt joints of railway and other rails by means of a specially designed locking screw nut and safety key for manipulating same.*

No. 473 of 1901.—Claude Kennedy Mills, patent agent, of 23, Southampton buildings, in the county of London, England. *Improvements in processes for the production of camphor, pinyl oxalate and pinyl formate.*

No. 474 of 1901.—Frederick John Beaumont, engineer, of 21, Albany road, Stroud green, in the county of Middlesex, England, and William Mudd Still, manufacturer, of 24, Charles street, Hatton garden, in the county of London, England. *Improvements in means or apparatus for driving dynamos on railway and other vehicles from the axles thereof, and for connecting the said dynamos and batteries to lighting, heating or other circuits on such vehicles.*

No. 475 of 1901.—William Frederick Ellis, tire manufacturer, of 18, Cornell street, Springfield, and Edwin Courtis Davis, tire manufacturer, of Springfield, both in Massachusetts, U. S. A. *Improvements in wheels for bicycles, motor carriages, road vehicles and the like.*

No. 476 of 1901.—Charles Williamson Milne, accountant, of 3, Crown court, Old broad street, London, England, and Frederick Charles Haste, engineer, of 148, Bedford road, Clapham, London, England. *Improvements in pumps.*

No. 477 of 1901.—A. Subramanya Servai, cultivator, of Attikadu-Tekkur, Tiruppatur taluk, Sivaganga zemindari, Madura district, Madras presidency. *An air water lift.*

No. 478 of 1901.—Charles Nicholas Eves Walke, inspector of steam boilers and prime movers, the Custom house, Bombay. *Improved water-proof varnish for boilers.*

No. 3985 P.—APPLICATIONS for leave to file amended specifications in respect of the under-mentioned inventions have been filed, under the provisions of the Inventions and Designs Act of 1888, in the office of the Secretary appointed under that Act during the week ending 14th December 1901 :—

No. 285 of 1899.—Sri-Krishna Joshi, special clerk in the settlement department of the Board of Revenue for the North-Western Provinces and Oudh, now residing at 85, Tallital, Naini Tal. *Method and apparatus for the utilisation of solar heat for culinary, industrial and other purposes, to be called the "Bhànu-táp" in oriental languages and the "Heliotherm" in occidental languages.*

No. 271 of 1901.—John Steen, manager, Seebpore Jute Manufacturing Company, Limited, residing at Seebpore, Howrah, Bengal. *An improved method of fabric softening.*

No. 3986 P.—THE under-mentioned design has been registered, under the provisions of the Inventions and Designs Act, 1888, in the office of the Secretary appointed under that Act, and copies have been sent to the Governments of Madras, Bombay, and Burma. This and other designs are open to public inspection,

from 11 A.M. to 4 P.M., at the Secretary's office (Imperial Secretariat, Government Place, West, Calcutta), on payment of a fee of one rupee, and a certified copy of any one of them will be supplied on payment of the fixed expenses of copying :—

No. 6 D. of 1901.—John George Grant, commercial traveller, of 36, Savernake road, Hampstead, in the county of London, England, and William Saunders Edwards, net manufacturer, of "Thornleigh," Bridport, in the county of Dorset, England. *A surface design for balls.*

No. 3987 P.—SPECIFICATIONS of the under-mentioned inventions have been filed, under the provisions of the Inventions and Designs Act of 1888, in the office of the Secretary appointed under that Act, and copies have been sent to the Governments of Madras, Bombay, and Burma, and the Director of the Department of Land Records and Agriculture, North-Western Provinces and Oudh. These and other specifications are open to public inspection, from 11 A.M. to 4 P.M., at the Secretary's office (Imperial Secretariat, Government Place, West, Calcutta), on payment of a fee of one rupee, and a certified copy of any one of them will be supplied on payment of the fixed expenses of copying :—

No. 141 of 1901.—Thomas Steel Perkins, electrical engineer, of Idlewood, county of Allegheny state of Pennsylvania, U. S. A. *Improvements in rheostat elements or, resistance boxes.* (Specification filed 10 December 1901.)

No. 142 of 1901.—Max Bernstein, patent agent, of 74, Blumen Strasse, in the city of Berlin, in the kingdom of Prussia, German empire. *An improved arrangement for transmitting telegraphic messages in contrary directions simultaneously over a single wire.* (Specification filed 10 December 1901.)

No. 154 of 1901.—The Linotype Company, Limited, manufacturers, of No. 188, Fleet street, in the city of London, England. *Improvements in the means for holding late news linotypes in position upon the machine cylinder.* (Specification filed 11 December 1901.)

No. 205 of 1901.—William Chapman, electrical engineer, of 5, Norfolk street, Strand, in the city of Westminster, England. *Improvements in or relating to track construction for electric railways operated on the conduit system.* (Specification filed 10 December 1901.)

No. 212 of 1901.—The Cotton Seed Company, Limited, of 37, Old Jewry, London, England. *Improvements in or relating to the bleaching of oleaginous matter.* (Specification filed 10 December 1901.)

No. 213 of 1901.—The Cotton Seed Company, Limited, of 37, Old Jewry, London, England. *Improvements in or relating to apparatus for bagging or packing meal and the like.* (Specification filed 10 December 1901.)

No. 240 of 1901.—Mahboob Alum, supervisor, Public works department, Rawalpindi. *Improvements in water-lifts.* (Specification filed 22 November 1901.)

No. 309 of 1901.—Gustave Louis Mouchel, engineer, of 38, Victoria street, Westminster, in the county of London, England. *Improvements in and relating to piles, columns and analogous structures.* (Specification filed 11 December 1901.)

No. 323 of 1901.—James Mackay Taylor, executive engineer, irrigation branch, Public works department, North-Western Provinces and Oudh, at present attached to the Eastern Jumna canal and residing at Saharanpur. *An acetylene gas generator, called the "Mij" generator.* (Specification filed 5 December 1901.)

No. 367 of 1901.—Joseph Anderson, builder, of 255, Derham road, Norwich, Norfolk. *An improved collapsible canopy for cycles and other vehicles which may also be adapted for a sail for cycles.* (Specification filed 11 December 1901.)

No. 3988 P.—THE fees prescribed in the fourth schedule to the Inventions and Designs Act of 1888 have been paid for the continuance of exclusive privilege in respect of the under-mentioned inventions for the periods shown against each :—

No. 320 of 1891.—Daniel Kemp West. *Improvements in and connected with presses for baling cotton and other goods.* (From 15 December 1901 to 15 December 1902.)

- No. 292 of 1895.—William R. Aveline. *An improvement in latrines for natives.* (From 11 January 1902 to 11 January 1903.)
- No. 338 of 1895.—Louis Denayrouze. *Method of and apparatus for illumination by means of combustible gas with forced supply produced by electrical energy.* (From 11 January 1902 to 11 January 1903.)
- No. 339 of 1895.—Louis Denayrouze. *Improvements in incandescence gas lamps.* (From 11 January 1902 to 11 January 1903.)
- No. 231 of 1897.—Middleton Crawford. *Improvements in the manufacture of disinfecting, deodorising and bleaching agents, and in apparatus therefor.* (From 15 November 1901 to 15 November 1902.)
- No. 265 of 1897.—Christian Wilhelm Luther. *Improved manufacture of water-proof glue.* (From 7 February 1903 to 7 February 1904.)
- No. 376 of 1897.—Joseph Desmaroux. *Improved apparatus for sterilizing water.* (From 14 February 1902 to 14 February 1903.)

No. 3989 P.—WHEREAS the inventors of the under-mentioned inventions have respectively failed to pay, within the time limited in that behalf by the fourth schedule to the Inventions and Designs Act of 1888, the fees hereinafter respectively mentioned, it is hereby notified that under the provisions of section 8, sub-section (a), of the said Act, the exclusive privilege of making, selling and using the said inventions in British India, and of authorising others so to do, has ceased :—

No. 333 of 1895.—Victor Carandini. *An improved race starting machine.* (Specification filed 24 August 1897.)

No. 184 of 1897.—Albert Joisten and Josef May. *Improvements in platen printing presses.* (Specification filed 24 August 1897.)

Fee in respect of the continuance of an exclusive privilege—

4 (a) After the filing of the specification and before the expiration of the fourth year from the date of the filing thereof.

The sum of Rs50 for each of the above inventions.

No. 75 of 1895.—Wolff Frederik Engelbreth Casse. *A process and container for preserving milk, cream and other liquids.* (Specification filed 27 August 1895.)

No. 84 of 1895.—Johann Klein. *Improvements in or relating to graduating or cooling apparatus and processes.* (Specification filed 30 August 1895.)

Fee in respect of the continuance of an exclusive privilege—

4 (c) After the expiration of the fifth year and before the expiration of the sixth year from the date of the filing of the specification—

The sum of Rs50 for each of the above inventions.

No. 159 of 1894.—William Baker Hartridge. *An improvement in artificial fuel blocks.* (Specification filed 27 August 1894.)

Fee in respect of the continuance of an exclusive privilege—

4 (d) After the expiration of the sixth year and before the expiration of the seventh year from the date of the filing of the specification—

The sum of Rs50 for the above invention.

NOTICES.

All communications relating to Act V (the Inventions and Designs Act) of 1888 should be addressed to the "Secretary to the Government of India, Department of Revenue and Agriculture (PATENT BRANCH), CALCUTTA."

The Office of the Secretary under the Act is open for the transaction of business from 11 A.M. to 4 P.M. on all days, except Sundays and gazetted holidays.

The Government of India are advised that, as trade marks are not "designs" within the meaning of the Act, they cannot be registered under Part II.

The fees payable under the fourth and sixth schedules are now collected in cash, and applicants are warned that they must be responsible for any delay in cashing cheques.

Copies of the weekly notifications, and of the quarterly lists, of applications and specifications filed in the Secretary's office are now on sale to the public at one anna and eight annas a copy respectively.

Attention is requested to the rules made by the Government on the 10th October, 1895, in regard to the preparation of applications, specifications, and drawings.

All applications made under the Inventions and Designs Act, V of 1888, will from this date (December 10th, 1896) lie in the visitor's room of the Patents Office for ten days from the date of the *Gazette of India* in which their filing may have been notified; or, if the tenth day is a holiday, till the evening of the office day next following.

At the time of delivering or sending an application for leave to file a specification, the applicant shall cause a duplicate copy of the application to be delivered or sent therewith to the Secretary.

S. C. HILL,

*Secretary under the Inventions and
Designs Act, 1888.*

DEPARTMENT OF ISSUE OF PAPER CURRENCY.

Calcutta, the 18th December, 1901.

*Abstract of the Accounts of the Department of Issue of Paper Currency on the
15th December, 1901.*

	TOTAL AMOUNT OF NOTES IN CIRCULATION.			RESERVE IN COIN AND BULLION.				
	In Reserve Treasuries.	Elsewhere.	TOTAL.	Silver Coin.	Gold Coin and Bullion.	Gold held in England under Act VIII of 1900.	Silver held as Security for Notes under Act VIII of 1900.	TOTAL.
	₹	₹	₹	₹	₹	₹	₹	₹
Calcutta	1,44,80,000	11,24,15,145	12,68,95,145	3,07,83,264	1,93,89,212	...	...	5,01,72,476
Allahabad	...	1,45,70,705	1,45,70,705	1,31,43,839	10,82,205	...	...	1,48,26,044
Lahore	...	2,13,58,095	2,13,58,095	64,77,660	21,15,735	...	...	85,93,395
Bombay	54,85,415	7,97,97,830	8,52,83,245	2,23,24,021	3,49,44,845	...	...	5,72,69,400
Karachi	...	77,21,000	77,21,000	13,01,293	16,26,922	...	...	29,28,215
Madras	30,18,270	2,76,07,235	3,06,25,505	2,09,00,265	44,21,880	...	...	2,53,28,145
Calicut	...	20,58,625	20,58,625	9,18,275	33,420	...	...	9,51,695
Rangoon	...	1,03,94,640	1,03,94,640	3,48,90,655	34,91,550	...	...	3,83,82,205
	2,29,83,685	27,59,23,875	29,89,07,500					
Deduct—Withdrawn from circulation by Foreign Circles and in course of remittance to Circles of Issue			4,55,970					
TOTAL R			29,84,51,590	13,07,45,872	6,77,05,772	...	...	19,84,51,644
Deduct—Amount due on Bills drawn by one Circle on another								Nil.
NET TOTAL R								19,84,51,644
Rs paid for Government Securities of the nominal value of ₹10,20,81,500, held under section of the Indian Paper Currency Act, XX of 1882								0,0,20,81,500
GRAND TOTAL R								29,84,51,590

A. F. COX,

Head Commissioner of Paper Currency.

NORTH-WEST FRONTIER PROVINCE, PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Peshawar, the 12th December, 1901.

No. 7.—Whereas it appears to the Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, Khushalpurh, Kohat Thal Railway, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

DISTRICT.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Kohat .	Hanpi .	Thal .	15'30	East to west .	As per plan .	In the Court of Deputy Commissioner, Kohat

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act, the Deputy Commissioner, Kohat, is hereby directed to take order for the acquisition of the land specified above.

No. 8.—Whereas it appears to the Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, for improving the Hazara Trunk road, 2nd section, in miles Nos. 19 and 20, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

DISTRICT.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara .	Mansehra .	Kotkai .	0'42	Close to existing road and nearly parallel to it.	Partly by cultivated land and partly by waste of the village named.	Plans can be seen in the office of Executive Engineer Hazara Provincial Division at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act, the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

No. 9.—Whereas it appears to the Chief Commissioner, North-West Frontier Province that land is required by Government for a public purpose, namely, improvements to Hazara Trunk road, 2nd section, miles Nos. 23 and 24, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

DISTRICT.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara .	Mansehra .	Chaer and Reer	1'32	North-East .	Cultivated and waste land belonging to villages named.	Plans can be seen in office of Executive Engineer, Hazara Provincial Division at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under Section 7 of the said Act, the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

No. 10.—Whereas it appears to the Honourable the Agent to the Governor-General Chief Commissioner, North-West Frontier Province, that land is required by Government

a public purpose, namely, constructing supply-house at Batta Kundi on Kaghan Valley road, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

DISTRICT.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara .	Mansehra .	Kaghan .	101	...	Waste land of the village named.	Plans can be seen in the office of Executive Engineer, Hazara Provincial Division at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act, the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

No. 11.—Whereas it appears to the Honourable the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, constructing a rest and supply-houses at Burawal on Kaghan Valley road, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

DISTRICT.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara .	Mansehra .	Kaghan .	298	...	Waste land of the village named.	Plans may be seen in the office of Executive Engineer, Hazara Provincial Division at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under Section 7 of the said Act the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

No. 12.—Whereas it appears to the Honourable the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, constructing a supply-house at Mahandri on Kaghan Valley road, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

DISTRICT.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara .	Mansehra .	Jarūd .	32	...	Waste land belonging to the village named.	Plans can be seen in office of Executive Engineer, Hazara Provincial Division, Abbottabad.

No. 13.—Whereas it appears to the Honourable the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, constructing a supply-house at Batta Kundi on Kaghan Valley road, it is hereby declared that the undermentioned land is required for the said purpose :—

No. 13.—Whereas it appears to the Honourable the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, constructing a supply-house at Batta Kundi on Kaghan Valley road, it is hereby declared that the undermentioned land is required for the said purpose :—

public purpose, namely, constructing a supply-house at Kaghan on Kaghan Valley road, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

DISTRICT.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara	Mansehra	Kaghan	073	...	Cultivated and waste land of the village named.	Plans can be seen in office of Executive Engineer, Hazara Provincial Division, Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section of the said Act, the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

No. 14.—Whereas it appears to the Honourable the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, constructing a supply-house at Naran on Kaghan Valley road, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

DISTRICT.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara	Mansehra	Kaghan	101	..	Cultivated and waste land belonging to the village named on east, west, and south sides and Government land on north side.	Plans can be seen in office of Executive Engineer, Hazara Provincial Division at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section of the said Act the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

The 17th December 1901.

No. 15.—Whereas it appears to the Chief Commissioner, North-West Frontier Province that land is required by Government for a public purpose, namely, for the construction of * Kaghan Valley road, 2nd Section, it is hereby declared that the undermentioned land is required for the said purpose.

Specification of Land.

District.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundary.	Place where plan may be inspected.
Hazara	Mansehra	Kaghan	090	Not required	Waste land belonging to Village mentioned.	Plan can be seen in the office of Executive Engineer, Hazara Provincial Division, at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section of the said Act the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

* Block House Gittadar, mile 88.
 Furawari Hut " 68.
 Sach Hat " 56.
 Kaghan office and Border " 37.
 Godown " 37.

No. 16.—Whereas it appears to the Chief Commissioner, North West Frontier Province, that land is required by Government for a public purpose, namely, for construction of Kaghan Valley road, 2nd section, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

District.	Parganah.	Mauzah.	Area in Acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara .	Mansehra .	Kaghan .	730	North-East .	Waste and unculturable land belonging to the village named.	Plan can be seen in the office of Executive Engineer, Hazara Provincial Division at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

No. 17.—Whereas it appears to the Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, for construction of Kaghan Valley road, 2nd section, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

District.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara .	Mansehra .	Kaghan .	190	North-east .	Waste land belonging to villages mentioned and Government Rukh.	Plan can be seen in the office of Executive Engineer, Hazara Provincial Division, at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

No. 18.—Whereas it appears to the Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, for construction of Kaghan Valley road, 2nd section, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

District.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara .	Mansehra .	Kaghan .	354	North-East .	Waste and cultivated lands belonging to villages mentioned and the Government Rukh.	Plan can be seen in the office of Executive Engineer, Hazara Provincial Division, at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

No. 19.—Whereas it appears to the Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, for construction of Kaghan Valley

road, 2nd section, in mile No. 62, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

District.	Parganah.	Manzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara	Mansehra	Kaghan	0.50	Not wanted	Waste and unculturable land belonging to the villages mentioned.	Plan can be seen in the office of Executive Engineer, Hazara Provincial Division, at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

No. 20.—Whereas it appears to the Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, for construction of Kaghan Valley road, 2nd section, in mile No. 64, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

District.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara	Mansehra	Kaghan	2.8	North-east	Waste and unculturable lands belonging to villages mentioned.	Plan can be seen in the office of Executive Engineer, Hazara Provincial Division, at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

No. 21.—Whereas it appears to the Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, for construction of Rest-house at Narayan on Kaghan Valley road, 2nd section, in mile No. 51, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

District.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara	Mansehra	Kaghan	0.87	Not required	Waste and cultivated land belonging to village mentioned.	Plan can be seen in the office of Executive Engineer, Hazara Provincial Division, at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

No. 22.—Whereas it appears to the Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, for construction of Kaghan Valley road, 2nd section, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

District.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara	Mansehra	Kaghan	10.3	North and north-east.	Waste unculturable land belonging to villages mentioned.	Plan can be seen in the office of Executive Engineer, Hazara Provincial Division, at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

No. 23.—Whereas it appears to the Chief Commissioner, North-West Frontier Province, that land is required by Government for a public purpose, namely, for construction of Kaghin Valley road, 2nd section, it is hereby declared that the undermentioned land is required for the said purpose :—

Specification of Land.

District.	Parganah.	Mauzah.	Area in acres.	Direction.	Boundaries.	Place where the plan may be inspected.
Hazara	Mansehra	Kaghan	674	North and north-east.	Waste unculturable land belonging to villages mentioned.	Plan can be seen in the office of Executive Engineer, Hazara Provincial Division, at Abbottabad.

This declaration is made under the provisions of section 6, Act I of 1894, and under section 7 of the said Act the Deputy Commissioner, Hazara, is hereby directed to take order for the acquisition of the land specified above.

G. K. SCOTT-MONCRIEFF, *Lt.-Col., R.E.*,

Secretary to Chief Commissioner,

N.-W. Frontier Province, P. W. Dept.

NORTH-WEST FRONTIER PROVINCE—MEDICAL DEPARTMENT.

NOTIFICATIONS.

Dated Peshawar, the 10th December, 1901.

On return from the privilege leave granted to him in Punjab Gazette, Medical Department, Notification No. 366, dated 11th September 1901, Assistant Surgeon E. Phillips resumed charge of the Abbottabad Dispensary on the afternoon of 12th November, 1901, relieving Assistant Surgeon Balmokand. The unexpired portion of the leave, *viz.*, ten days, is hereby cancelled.

Fourth Class Hospital Assistant No. 444 Abdul Rahman, Egerton Hospital, Peshawar, was relieved of his duties on the 22nd November, 1901, afternoon, and proceeded to Kabul with the Mohamedan deputation.

TRANSFER.

The 10th December, 1901.

Fourth Class Hospital Assistant No. 457 Kartar Singh, transferred from Delhi for duty as supernumerary, reported his arrival on the forenoon of the 3rd December, 1901, and assumed charge of No. 1 City Branch Dispensary on the same date as a temporary measure, *vice* Senior Class Hospital Assistant No. 216 Jowala Sahai, deceased.

LEAVE.

The 10th December, 1901.

First Class Hospital Assistant No. 307 Ghulam Rasul, North-West Militia Hospital, Idok, has obtained two months' privilege leave, and was relieved of his duties on the afternoon of the 17th November, 1901, by Fourth Class Hospital Assistant No. 606 Atta Mohamed Nasar, doing general duty at Dera Ismail Khan.

The period of leave granted to Third Class Hospital Assistant No. 612 Ahmed Bakhsh, *vide* Punjab Gazette, Medical Department, Notification No. 3388, is hereby cancelled by one day.

W. A. SYKES, *Major, I.M.S.*,

Administrative Medical Officer, North-West Frontier Province.

Weekly Return of births and deaths registered at the undermentioned Municipal Towns in the North-West Frontier Province during the week ending Saturday the 23rd November, 1901.

Number.	DISTRICTS.	TOWNS.	Population according to the Census of 1891.	BIRTHS.			DEATHS.			CAUSE OF DEATH.							INFANTS UNDER ONE YEAR OF AGE.			Ratio of births per 1,000 of population.	Ratio of deaths per 1,000 of population.	Number.	
				Males.	Females.	Total.	Total.	Males.	Females.	Plague.	Cholera.	Small-pox.	Fever.	Dysentery and Diarrhoea.	Injuries.	All other Causes.	Males.	Females.	Total.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
1	Hazara	Abbottabad	2,242	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	23	...	1	
2		Nowashahr	3,885	3	3	6	2	1	1	...	...	...	1	...	...	...	1	1	...	1	81	27	2
3		Buffa	7,437	4	3	7	2	1	1	...	...	...	...	...	...	...	2	1	...	1	49	14	3
4		Haripur	5,419	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	19	...	4
5	Peshawar	Peshawar	63,079	31	22	53	42	21	21	...	...	...	30	1	...	...	11	3	3	6	44	35	5
6	Kohat	Kohat	14,347	7	5	12	11	5	6	...	...	...	4	...	...	7	1	3	4	44	40	6	
7	Bannu	Edwardesabad	6,095	6	6	12	9	5	4	...	...	...	...	...	...	8	2	2	4	103	77	7	
8		Lahki	4,488	2	2	4	1	1	...	...	...	...	...	...	...	...	1	1	...	1	46	12	8
9	Dera Ismail Khan	Dera Ismail Khan	21,573	13	17	30	24	14	10	...	...	...	17	1	...	...	6	5	1	6	73	58	9
10		Kulachi	9,447	...	2	2	3	2	1	...	...	...	...	2	...	1	...	...	...	...	11	17	10
		TOTAL	138,012	69	60	129	94	50	44	...	...	1	54	2	1	36	14	9	23	49	36		

W. A. SYKES, Major, I.M.S.,
Administrative Medical Officer, North-West Frontier Province.

ADMINISTRATIVE MEDICAL OFFICER'S OFFICE,
Dated Peshawar, 12th December, 1901.

**THE HONOURABLE THE AGENT TO THE GOVERNOR-GENERAL AND
CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.**

NOTIFICATIONS.

Peshawar, the 12th December, 1901.

No. 36.—In accordance with the provisions of section 15 (2) of Act XX of 1883 (The Punjab District Boards Act), the Honourable the Chief Commissioner, North-West Frontier Province, is pleased to notify that the following person is a Member of the District Board of the Hazara District:—

Member appointed by name.

Syed Ghazi Shah, of Kagan, *vice* Syed Afsar Ali Shah, deceased.

By Order,

A. H. GRANT,

*Secretary to the Agent to the Govr.-General and
Chief Commissioner, N.-W. Frontier Province.*

The 16th December, 1901.

No. 39.—Under the provisions of section 15, Act V of 1861, the Hon'ble the Chief Commissioner is pleased to direct that in consequence of their misconduct the inhabitants of the villages of—

Badin Khel—Bil and Killa,
Tarki Khel—Tiran Khoi,
Thathi Nasrati,
Khoraland and Chokara,
Channi Khel—Khasra,
Dab—Zebi Garori,
Saraz Khel—Sarki Lawaghar,
Shagi and Shamshakki,
Talab Khel,
Isak Chauntra,
Ghundi Mira Khan Khel,
Mamani,
Mitha Khel,
Tarkha Koi,
Karrak Police Station,

of the Kohat District, shall be charged for a period of one year with the cost of maintaining additional Police as follows:—

1	2	3	4	5	6
No.	Rank.	Grade.	Pay of grade.	Monthly pay.	Annual cost.
				<i>R a. p.</i>	<i>Rs a. p.</i>
	Half pay of a 3rd grade Deputy Inspector .	...	...	.....	300 0 0
1	Sergeant	2nd	16	16 0 0	192 0 0
12	Constables	1st	7	84 0 0	1,008 0 0
					<hr/> 1,500 0 0
Contingent Allowances				Clothing	65 0 0
				Contingencies	156 8 0
				Pensionary charges	125 0 0
				Hutting	500 0 0
				TOTAL RUPEES	<hr/> 2,340 8 0

No. 40.—Under the provisions of section 15, Act V of 1861, the Hon'ble the Chief Commissioner is pleased to direct that in consequence of their misconduct the inhabitants of the villages of—

Charparra,
Shinwa and Hoti,
Darshi Khel, Ghool and Shahidan,
Narri Panos,
Narri Khurram,
Kooi and Sirikha,
Mangar Khel,
Garuzi,
Surdak, Latambar,
Mando and Warana,
Tolakki and Spinka,
Nar,

Khurram, in the Bahadur Kel Police Station,
(District, shall be charged for the period of one year with the cost of maintaining police as follows :—

No.	Rank.	3	4	5	6
		Grade.	Pay of grade.	Monthly pay.	Annual cost.
	Half pay of a 3rd grade Deputy Inspector .	...	...	Rs a. p.	Rs a. p. 300 0 0
1	Sergeant	2nd	16	16 0 0	192 0 0
12	Constables	1st	7	84 0 0	1,008 0 0
					1,500 0 0
				Clothing	65 0 0
				Contingencies	156 8 0
				Pensionary charges	125 0 0
				Hutting	500 0 0
				TOTAL RUPEES	2,346 8 0

The 17th December, 1901.

No. 43.—In accordance with the provisions of section 15 (2) of Act XX of 1883 (The Punjab District Boards Act), the Hon'ble the Chief Commissioner is pleased to notify that the following person is appointed a member of the Local Board of the Marwat Tahsil, of the Bannu District :—

Member appointed by name.

Manohar Shah Singh, *vice* Jawahar Shah Singh, deceased.

No. 44.—In accordance with the provisions of section 15 (2) of Act XX of 1883 (The Punjab District Boards Act), the Hon'ble the Chief Commissioner is pleased to notify that the following person is appointed a member of the District Board of the Bannu District :—

Member appointed by name.

Manohar Shah Singh, *vice* Jawahar Shah Singh, deceased.

No. 45.—In accordance with the provisions of section 15 (2) of Act XX of 1883 (The Punjab District Boards Act), the Hon'ble the Chief Commissioner, North-West Frontier Province, is pleased to notify that the following person is appointed a member of the Peshawar District Board :—

Member appointed by name.

Mardan Tahsil.

Mian Anwan-ud-din, of Surkhderi, *vice* Khan Bahadur Ibrahim Khan, of Mardan, resigned.

APPOINTMENT.

Peshawar, the 12th December, 1901.

No. 35.—Lieutenant H. deC. O'Grady is appointed temporarily Commandant, 2nd Battalion Kurram Militia, with effect from the afternoon of the 30th November, 1901, *vice* Captain J. Frizelle I.S.C., proceeding on leave.

The 13th December, 1901.

No. 38.—Captain A. J. Macnab, F.R.C.S., I.M.S., assumed charge of the Civil Medical duties of Mardan on the forenoon of the 8th of December, 1901, relieving Lieutenant H. M. Cruddas, I.M.S.

The 17th December, 1901.

No. 41.—Lieutenant M. Mackelvie, I.M.S., assumed charge of the Civil Medical duties of Wana on the forenoon of the 29th of November, 1901, relieving Lieutenant W. H. C. Forster, I.M.S.

No. 42.—Lieutenant J. N. Walker, I.M.S., assumed charge of the Civil Medical duties of Kohat on the forenoon of the 9th of December, 1901, relieving Lieutenant-Colonel J. W. Rodgers, I.M.S.

TRANSFER.

The 13th December, 1901

No. 37.—Mr. C. Stead, Assistant District Superintendent of Police, is transferred from Peshawar Head Quarters to the Mardan Sub-Division of that District, where he assumed charge of his duties on the forenoon of the 15th November, 1901.

By Order,

R. I. R. GLANCY,

*Asstt. Secretary to the Agent to the Govr.-General and
Chief Commissioner, N.-W. Frontier Province.*

ADMINISTRATOR GENERAL OF BENGAL.

*Notice of deaths sent to the Administrator General of Bengal under section 64 of Act II
of 1874.*

Name of deceased	Place of death	Date of death.	By whom death reported and when.	REMARKS.
R. G. Tanish, Driver, E. I. R., Moghal- serai.	Moghalserai	25th November, 1901	The District Judge, Benares, on 10th December, 1901.	No Will. No application.
E. R. Bonnaud, 18 Royd Street, Cal- cutta.	The Presidency General Hospital, Calcutta.	23rd November, 1901	The District Judge, 24- Parganahs, on 10th December, 1901.	Ditto.
Mr. L. Grier, Champ- dani, Baidyabati, E. I. R.	Ditto	17th November, 1901	The District Judge, 24-Parganahs, on 14th December, 1901.	No Will found. No application.
John McPherson Fraser of Naini Tal.	Naini Tal	7th November, 1901	The Commissioner, Kumaon Division, Haldwani, on 14th December 1901.	No Will. Mrs. Isabel Blomfield Fraser, widow, has applied for Letters of Administration.
L. E. Evans, Driver, E. I. R.	Cawnpore	30th November, 1901	The District Judge, Cawnpore, on 12th December, 1901.	Will left. No application.

L. P. D. BROUGHTON,

Administrator General of Bengal.

COUNCIL HOUSE STREET,
Calcutta, 19th December, 1901.

BANK OF BENGAL—PUBLIC DEBT OFFICE.

Statement of Government Promissory Notes enforced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th December, 1901.

PARTICULARS.	3½ PER CENT. LOANS					4 PER CENT. LOANS					4½ PER CENT. LOANS			GRAND TOTAL.		
	Of 1864-71.	Of 1854-55.	Of 1865	Of 1879	Of 1893-94.	Of 1900-1.	TOTAL.	Of 1833-13.	Of 1835-36.	Of 1842-43.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	TOTAL.			
Balance of 10th November, 1901	1,57,95,900	2,27,65,100	11,91,71,300	3,05,86,000	1,11,46,000	1,120	9,01,900	6,934	5,000	300	15,500	5,700	74,234	5,000	29,500	20,25,97,234
446—Amount of transferred to London	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enforced at Madras up to 7th December, 1901	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enforced at Bombay up to 9th December, 1901	...	...	3,000	1,500	...	...	2,000	...	...	...	...	...	...	...	...	6,500
Amount enforced at Calcutta between 1st and 15th December, 1901	...	3,10,300	41,300	...	...	...	2,51,800	...	...	...	...	...	...	...	...	2,51,800
Debit—Amount written off in the London Registers	1,57,95,900	2,27,65,100	11,94,81,600	3,06,30,500	1,21,40,500	1,100	9,94,900	6,934	5,000	300	15,500	5,700	74,234	5,000	29,500	20,29,25,534
Balance on 15th December, 1901	1,57,95,900	2,27,65,100	11,94,81,600	3,05,86,900	1,21,41,000	1,100	9,94,900	6,934	5,000	300	15,500	5,700	74,234	5,000	29,500	20,29,26,034

Note.—From 9th June, 1897, to 15th Oct., 1901, enforced from India 11,018 lakhs, re-transferred from London 10,396 lakhs.

10th Oct., 1901,	5	ditto	5
1st Nov., " 15th Nov., "	4	ditto	4
1st Dec., " 15th Dec., "	3	ditto	3
	11,018 lakhs		10,396 lakhs

Balance against India 669 lakhs

W. D. CRUICKSHANK,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,

BANK OF BENGAL;

Calcutta, the 17th December, 1901.

Statement of the Affairs of the Bank of Bengal for the week ending 17th December, 1901.

BANK OF BENGAŁ,
Calcutta, 19th December, 1901.

By order of the Directors,
W. D. CRUICKSHANK,
Secretary and Treasurer.

By order of the Directors,
W. D. CRUICKSHANK,
Secretary and Treasurer.

SENATE HOUSE,
The 16th December, 1901.

"The office of the Board of Examiners will be removed from No. 17, Elysium Row to No. 26, Mangoe Lane (late Agra Bank Building) from 1st January, 1902."

THE HONOURABLE THE AGENT TO
THE GOVERNOR-GENERAL IN
BALUCHISTAN.

NOTIFICATION.

Quetta, the 10th December, 1901.

No. 10570.—In exercise of the powers conferred by section 28 (b) of the Cantonments Act (XIII of) 1889, as applied to the territories administered by the Hon'ble the Agent to the Governor-General as such Agent, the Agent to the Governor-General is pleased to extend the rules contained in sections 196 to 205 of the Cantonment Code, 1899, to the Civil bazar of Loralai, with effect from the 1st January, 1902.

By Order,

A. McCONAGHEY, *Captain,*
First Assistant

THE HONOURABLE THE AGENT
TO THE GOVERNOR-GENERAL
AND CHIEF COMMISSIONER
IN BALUCHISTAN.

ADDENDUM.

Quetta, the 10th December, 1901.

No. 10597.—The note to rule IV (a) (1) of the rules published in this office Notification No 2271, dated the 27th February, 1901, is hereby reconstructed as follows:—

"The above rates shall not apply to the Kohlu and Barkhan tahsils of the Sinjawi and Railway District, where no royalty shall be levied on firewood, nor to the Khojak Sub-Division of the Pishin District, where royalty shall be levied on every description of firewood at a uniform rate of one anna per maund."

By Order,

A. L. JACOB, *Captain,*
Second Assistant.

INDIAN MUSEUM.
Trustees' Office.

NOTIFICATION.

Calcutta, the 19th December, 1901.

No. 258-P.—The leave for six months on urgent private affairs granted to Mr. F. Finn, Deputy Superintendent, Indian Museum, by Notification No. 38-P., dated 13th May, 1901, has been retrospectively commuted to privilege leave for one month and nineteen days combined with leave on private affairs for four months and eleven days.

By Order,

C. BANKS,
Honorary Secretary.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Roorkee, the 4th December 1901.

A Registry Office for men of the under-mentioned grades is kept up by the Principal, Thomason College, Roorkee, officers and employers of labour requiring men are requested to apply to the Principal.

1. Engineers.
2. Overseers.
3. Sub-Overseers.
4. Draftsmen.
5. Press workers.
6. Photo-Mechanical workers.
7. Mechanical apprentices.
8. Metal and wood carvers.

E. ATKINSON, *Captain, R.E.,*
Officiating Principal, Thomason College.

DIRECTOR OF RAILWAY
CONSTRUCTION.

NOTIFICATIONS.

Calcutta, the 16th December, 1901.

No. 43.—The undermentioned Engineers are transferred to the Allahabad-Fyzabad Chord Railway:—

Mr. R. R. Gales, Executive Engineer, 2nd grade.	} From the North-Western Railway.
Mr. J. Coates, Executive Engineer, 3rd grade, Temporary rank.	
Lieutenant E. G. Wace, R.E., Assistant Engineer, 2nd grade.	
Lieutenant F. R. H. Eustace, R.E., Assistant Engineer, 2nd grade.	} From the Oudh and Rohilkhand Railway.

No. 44.—The undermentioned Engineers are, on return from leave, posted to the Allahabad-Fyzabad Chord Railway:—

- Mr. C. S. Rennick, Executive Engineer 1st grade.
Mr. F. Furnivall, Assistant Engineer, 1st grade.

C. W. HODSON,
Director of Railway Construction.

DIRECTOR OF RAILWAY TRAFFIC.

NOTIFICATION.

Calcutta, the 12th December, 1901.

No. 42.—Mr. W. R. Pearce, Assistant Locomotive Superintendent in class III, grade 2, of the Superior Revenue Establishment of State Railways, is appointed to officiate as District Locomotive Superintendent on the North-Western Railway, in class II of that Establishment, with effect from the forenoon of the 9th November, 1901, and until further orders.

The 16th December, 1901.

No. 45.—Mr. G. Hales, Officiating District Traffic Superintendent in class II of the Superior Revenue Establishment of State Railways, reverted to his substantive appointment of Assistant Traffic Superintendent in class III, grade 2 of that Establishment, with effect from the forenoon of the 13th November, 1901.

G. F. WILSON, *Col., R.E.,*
Director of Railway Traffic

TREASURE TROVE.

NOTICE.

It is hereby notified under section 5 of the Treasure Trove Act (VI of 1878) that about the 9th day of October, 1901, treasure consisting of 202 gold panams weighing in all 1,193 grains (about 6 grains each) and valued approximately at Rs. 68-5-0 was discovered buried in an earthen vessel in S. N.O. 158 odai poramboke of the Anuppur village of the Salem Taluk, Salem District of the Madras Presidency.

2. All persons claiming the said treasure or any part thereof are hereby required to appear personally or by duly authorized agent before the Collector of Salem in his office at Salem at 2 P.M. on Monday, the 19th May, 1902, in order that their claims may be enquired into and determined in accordance with the provisions of the Act.

R. NARAYANA AIYAR,
for Collector.

SALEM COLLECTOR'S OFFICE,
6th December 1901.

POST OFFICE.

NOTIFICATION.

Calcutta, the 16th December, 1901.

No. 1873-Ap—Mr. C. H. Watts, Deputy Postmaster, Bombay, is granted privilege leave for three months with effect from the 3rd December, 1901.

The following officiating appointments are made during his absence on privilege leave or until further orders:—

Mr. Jivaji Pestanji Taracland, 1st Assistant Postmaster, Bombay, to Act as Deputy Postmaster, Bombay;

Mr. H. T. Bedford, 2nd Assistant Postmaster, Bombay, to act as 1st Assistant Postmaster, Bombay;

Mr. Vaman Vasudev Shintre to act as 2nd Assistant Postmaster, Bombay.

A. U. FANSHAWE,
Director-General of the Post Office of India.

SURVEY OF INDIA DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 17th December, 1901.

No. 169.—Mr. J. Eccles, Superintendent, 2nd grade, having resumed charge of his duties, on return from leave, on the forenoon of the 2nd December, 1901, is appointed to officiate as Superintendent, 1st grade, and the following reversions are made, with effect from the same date:—

Major J. M. Fleming, I.S.C., Officiating Superintendent, 1st grade, to revert to his substantive appointment of Superintendent, 2nd grade.

Mr. B. G. Gilbert Cooper, Officiating Superintendent, 2nd grade, to revert to his substantive appointment of Deputy Superintendent, 1st grade.

Captain F. W. Pirrie, I.S.C., Officiating Deputy Superintendent, 1st grade, to revert to his substantive appointment of Deputy Superintendent, 2nd grade.

Lieutenant H. Wood, R.E., Officiating Deputy Superintendent, 2nd grade, to revert to his substantive appointment of Assistant Superintendent, 1st grade.

The 20th December, 1901.

No. 170.—The following promotions are made, with effect from the 19th November, 1901, *vice* Mr. A. J. James, Extra Assistant Superintendent, 2nd grade, retired:—

Mr. J. H. Dunne, Extra Assistant Superintendent, 3rd grade, on the seconded list, to be Extra Assistant Superintendent, 2nd grade, on the same list.

Mr. J. R. Scott, Extra Assistant Superintendent, 3rd grade, on the seconded list, to be Extra Assistant Superintendent, 2nd grade, on the same list.

Mr. J. McHatton, Extra Assistant Superintendent, 3rd grade, to be Extra Assistant Superintendent, 2nd grade.

Mr. G. G. Vander-Beek, Extra Assistant Superintendent, 4th grade, to be Extra Assistant Superintendent, 3rd grade.

Mr. C. A. Norman, Extra Assistant Superintendent, 5th grade, to be Extra Assistant Superintendent, 4th grade.

Mr. S. O. Madras, Extra Assistant Superintendent, 6th grade, to be Extra Assistant Superintendent, 5th grade.

Mr. C. Litchfield, Sub-Assistant Superintendent, 1st grade, to be Extra Assistant Superintendent, 6th grade.

Mr. H. C. H. Cooper, Sub-Assistant Superintendent, 2nd grade, to be Sub-Assistant Superintendent, 1st grade.

Syed Zille Hasnain, Sub-Assistant Superintendent, 3rd grade, to be Sub-Assistant Superintendent, 2nd grade.

ST. G. GORE, *Colonel, R.E.,*
Surveyor General of India.

SURVEY OF INDIA DEPARTMENT, TRIGONOMETRICAL BRANCH.

NOTIFICATION.

Dehra Dun, the 13th December, 1901.

No. 13.—Mr. C. H. McCa'Fee, Extra Deputy Superintendent, 2nd grade, Survey of India Department, is granted privilege leave for three months, under the provisions of Article 291 of the Civil Service Regulations, with effect from the 2nd January, 1902.

S. G. BURRARD, Major, R.E.,
Superintendent of the Trigonometrical Survey.

ODDH AND ROHILKHAND RAILWAY.

NOTIFICATION.

Lucknow, the 18th December, 1901.

No. 10.—Mr. E. T. Faulkner, Executive Engineer, 1st grade, Ouddh and Rohilkhand Railway, has been granted three months' privilege leave and furlough for six months in combination therewith under articles 264 A and 340 (b) of the Civil Service Regulations, with effect from 12th February, 1902, or such subsequent date as the leave may be availed of.

J. MANSON,
Offg. Manager, O. and R. Ry.

REPORT OF DESERTION.

Report of a Deserter or Absentee without leave from the 2nd Battalion, West Riding Regiment of Foot, dated at Rang on, this 14th day of December, 1901.

Number, Rank, and Name, —6583. Private James Charles Bell.	Parish and County in which born,—Sydney, New South Wales.
Age,—24 years.	Date of desertion or absence,—6th Decem- ber, 1901.
Height,—5 feet 3½ inches.	Place of desertion or absence,—Calcutta.
Colour of—Complexion dark; hair, brown; eye, brown.	Marks,—Sailors' lead left forearm; Eagle and Anchor right forearm.
Trade,—Merchant Seaman.	Within 12 months.
Date of Enlistment,—15th December, 1900.	
Place of Enlistment,— Hull.	

S. J. TRENCH, Lieut.-Col.,
Commanding 2nd West Riding Regiment.

PURE SULPHATE OF QUININE.

*Manufactured at the Bengal Government
Cinchona Plantation.*

From 1st April, 1900, the price of this Quinine will be as follows:—

1-pound tin, R17, or, post-free, R17-12.

½ " R8-8, " R9.
¼ " R4-4, " R4-12.

Analysis shows this Quinine to be of the purest manufacture; and it is guaranteed to be free from wilful mixture with the inferior alkaloïds, Cinchonine and Cinchonidine. It is for sale only to Government officers, and only for cash, and may be had from the Superintendent, Botanic Garden, Seebore, near Calcutta.

বঙ্গদেশের গবর্ণমেন্টের সিনকোনা আবাদে প্রস্তুত বিশুদ্ধ কুইনাইন।

১৯০০ সালের ১লা এপ্রিল হইতে এই কুইনাইনের বিক্রয়নিষিদ্ধ থকা
হইবে, যথা—

১ এক পৌণ্ড টিন ১৭, বা ডাকঘাতল বিনা ১৭৯০

২ আধ " " ৮ " ৮৯০

৩ শিকি " " ৪ " ৪৯০

গরীকা করিয়া দেখা গিয়াছে যে এই কুইনাইন অতি বিশুদ্ধ রূপে
প্রস্তুত করা হইয়াছে, এবং ইহা যে সিনকোনাইন ও সিনকোনি-
টাইন নামক অশুদ্ধি করেব নহিত ইচ্ছা পূরক মিশান হয় নাই
তাহার গারান্টি দেওয়া হইতেছে ইহা বঙ্গদেশে কেবল গবর্ণ-
মেন্টের কর্মচারীগণের নিকট বিক্রয় করা হইবে, এবং কলিকাতার
নিকট শিবপুরের কোম্পানীর বাগানের উপনিবেশভেদে নিকট
পাইতে পারে

GOVERNMENT CINCHONA FEBRIFUGE.

Cinchona Febrifuge can be purchased by all Government officers, and by any one taking six pounds at a time, from the Superintendent, Botanic Garden, Calcutta, at the following rates—per four-ounce tin, R2-8; per eight-ounce tin, R5; per pound tin, R10. The general public can be supplied by the Superintendent, Botanic Garden, for cash only, at the under-noted rates: per four-ounce tin, R3; per eight-ounce tin, R6; per pound tin, R12. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

সকোনা ফেব্রি ফিউজ یعنی নপ বেগাই
والی سنکونا *

সকোনা ফেব্রি ফিউজ কলম্বে ৬ বোতাল গার্ডন
মহালা নামে ৬ বোতাল মাসে ৬ বোতাল
সকোনা ফেব্রি ফিউজ
এই মাসে ৬ বোতাল
চার অন্স ওয়া তিন বقیمت در روپیہ آٹھ آٹھ
অন্স ওয়া তিন বقیمت پانچ روپیہ : ایک پونڈ والا
তিন বقیمت دسر روپیہ *

এম এডমিরাল কোর্মে দো বোতাল গার্ডন
বাক ৬ বোতাল মাসে ৬ বোতাল
নব মিল স্কটি মন - یعنی চার অন্স ওয়া তিন বقیمت
তিন روپیہ : আট অন্স ওয়া তিন বقیمت চার روپیہ :
এক পون্ড والا তিন বقیمت চার روپیہ *

এই দো কলম্বে ৬ বোতাল
বোতাল মন বকি মন - মাসো ৬ বোতাল
সকোনা ফেব্রি ফিউজ
চার অন্স ওয়া তিন বকি মন : আট অন্স ওয়া
এক পون্ড ওয়া তিন বকি মন : আট অন্স ওয়া

GOVERNMENT PUBLICATIONS FOR SALE

BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,
8, HASTINGS STREET, CALCUTTA.

[A General Catalogue of all Government Publications may be obtained gratis
from the Government Central Press, Calcutta.]

WEEKLY LIST OF NEW BOOKS.

The amounts within parentheses are for packing and postage.

MILITARY DEPARTMENT.

Army Regulations, India (Regulations and Orders for the Army in India),
Vol. II, 1901. Royal 8vo. Board. Part A. R1 or 1s. 6d. (4a.) Part B.
12a. or 1s. 2d. (4a.). Complete. R1 12a. or 2s. 8d. (8a.).

**Signalling—Appendix to the Authorised Signalling Instructions as appli-
cable to India in Urdu, 1901.** Royal 16mo. Paper cover. R1 or 1s. 6d.
(2a.).

The Monthly Indian Army List for December, 1901. Royal 8vo. Paper cover.
R1 8a. or 2s. 3d. (4a.).

LIST OF BOOKS PUBLISHED FROM 1st APRIL TO 30th SEPTEMBER 1901.

LEGISLATIVE DEPARTMENT.

Chronological Tables of the Indian Statutes compiled,
under the orders of the Government of India, by F. G.
Wigley, Esq. Royal 8vo. Cloth. R4 or 6s. (7a.)

The Indian Penal Code (Act XLV of 1860), as modified
up to the 1st July, 1899, and with footnotes brought
down to 1st April, 1901. R2-8 or 3s. 9d. (6a.)

The Cattle-trespass Act, 1871 (Act I of 1871), as modified
up to the 1st April, 1901. 5a. or 5d. (1a.)

The Indian Contract Act, 1872 (Act IX of 1872), as
modified up to the 1st September, 1899 (with foot-
notes brought down to 30th June, 1901). R1-4 or
1s. 9d. (2a.)

**The Indian Arms Act, 1878 (Act XI of 1878), as modi-
fied up to the 1st December, 1896 (with footnotes
brought down to the 15th May, 1901). 5a. 6p. or 6d.
(1a. 6p.)**

The Indian Factories Act, 1881 (Act XV of 1881), as
modified up to the 1st April, 1891 (with footnotes
brought down to 1st July, 1901) 5a. 6p. or 6d. (1a. 6p.)

The Central Provinces Civil Courts Act, 1885 (Act XVI
of 1885), as modified up to the 1st April, 1901. 4a.
or 4d. (1a.)

The Indian Ports Act, 1889 (Act X of 1889), as modified
up to the 1st April, 1901. 11a. or 1s. 3d. (2a.)

The Prisons Act, 1844 (Act IX of 1844), as amended
by the Burma Laws Act, 1898 (XIII of 1898). 7a.
6p. or 9d. (1a.)

LIST OF TRANSLATIONS AND TRANSLITERA- TIONS OF ACTS PUBLISHED FROM 1st APRIL TO 30th SEPTEMBER, 1901.

The Indian Penal Code (Act XLV of 1860), as modified
upto 1st July, 1899. In Hindi R1-5 or 2s. (5a.)

The Central Provinces Civil Courts Act, 1885 (Act
XVI of 1885, as modified up to the 1st April, 1901.
In Urdu. 1a. 6p. (1a.)

Ditto. In Hindi. 1a. 6p. (1a.)

The Indian Tramways Act, 1886 (Act XI of 1886), as
modified up to 31st December, 1900. In Urdu. 3a.
3p. or 3d. (1a. 6p.)

Ditto. In Hindi. 3a. 3p. or 3d. (1-6p.)

The Code of Criminal Procedure, 1898 (Act V of 1898),
as modified up to the 1st April, 1900. Hindi. R1-6
or 2s. (7a.)

Act II of 1901 (An Act to amend the law relating to the
exemption from tolls of persons and property belong-
ing to the Army. In Urdu. 6p. (1a.)

Ditto. In Hindi. 5p. (1a.)

Act III of 1901 (An Act further to amend the Indian
Ports Act, 1889). In Urdu. 3p. (1a.)

Act V of 1901 (An Act further to amend the Indian
Forest Act, 1878). In Urdu. 3p. (1a.)

Ditto. In Hindi. 3p. (1a.)

Act VI of 1901 (the Assam Labour and Emigration Act,
1901). In Urdu. 5a. or 5d. (1a.)

Ditto. In Hindi. 5a. or 5d. (1a.)

Act VII of 1901 (An Act to place Native Christians in
the same position as Hindus, Muhammadans and
Buddhists in the matter of obtaining letters of
administration and for other purposes). In Urdu. 3p.
(1a.)

Ditto. In Hindi. 3p. (1a.)

Act VIII of 1901 (An Act to provide for the Regulation
and Inspection of Mines). In Urdu. 1a. (1a.)

Ditto. In Hindi. 1a. (1a.)

HOME DEPARTMENT.

Scientific Memoirs by the Medical Officers of the Army in India—

Part XII, 1901. Contents:— 1) On the Characters and Relationships of *Afzelia*, (Smith)—Major D. Prain, I.M.S. (2) Inoculation of Malaria by *Anopheles*—Captain C. P. Feanside, I.M.S. (3) Zoological Gleanings from the Royal Indian Marine Survey Ship *Investigator*—Major A. W. Alcock, I.M.S. (4) Some Observations on Spirillum Fever, as seen in the monkey—*Micercus Radiatus*—Captain George Lamb, I.M.S. (5) On the Anatomy of the roots of *Phoenix paludosa*. Roxb.—Lieutenant A. T. Gage, I.M.S. (6) On some Practical Methods of Sanitation in India with special reference to Cantonments—Major Ernest Roberts, I.M.S. Demy 4to. Board. Rs-12 or 8s 9d. 7a.

The Fauna of British India including Ceylon and Burma. By R. I. Pocock Esq. Royal 8vo. Full cloth. Rs-7-8 or 11s. 3d. (5a.)

Judicial and Administrative Statistics for British India for 1899-1900, and the four preceding years. Contents:— (I) Administrative Divisions. (II) Judicial Divisions (III) Civil Justice. (IV) Criminal Justice. (V) Jails. (VI) Police. (VII) Registration. (VIII) Education. (IX) The Press. (X) Vital Statistics. (XI) Hospitals and Dispensaries. (XII) Lunatics. (XIII) Vaccination (XIV) Municipalities. (XV) Local Boards. (XVI) Factories. (XVII) Wild Animals and Snakes. F'cap. Boards. Rs-2 or 3s. (10a.)

Countess of Dufferin's Fund Report, 16th Issue, 1900. Super-Royal 8vo. Paper cover. Rs-1 or 1s 6d. (5a.)

Rules under the Arms Act. Corrected to 1st May, 1901. F'cap. Stitched. 6a or 6d. (2a.)

REVENUE DEPARTMENT.

Report of the Indian Famine Commission, 1901. F'cap. Cloth. 14a or 1s 3d. (9a.)

Elementary Mathematics especially edited for Foresters by A. P. Grenfell Esq. Royal 8vo. Cloth. Rs-4 or 6s. (8a.)

The Muhammadan Architecture of Ahmedabad. By Dr. J. Burgess. Archeological Survey of India. New Imperial Series Vol. XXIV. Super-Royal. Cloth. Rs-21 or 31s. 6d. Rs-1-2a.

A Manual of Forest Engineering for India, Vol. II. By C. G. Rogers, Esq. Super-Royal 8vo. Cloth. Rs-4 or 6s. 6a.

FOREIGN DEPARTMENT.

Hyderabad Assigned Districts Administration Report, 1899-1900. F'cap. Limp cover. Rs-3 or 4s. 6d. (6a.)

Bangalore Civil and Military Station Administration Report, 1899-1900. F'cap. Limp cover. 12a. or 1s. (4a.)

Rajputana Sanitary, Vaccination, Dispensary and Jail Report for 1899. F'cap. Boards. Rs-1 or 1s. 6d. (4a.)

Administration Report on the Persian Gulf Political Residency and Muskat Political Agency for 1900-1901. F'cap. Board. Rs-1 or 1s. 6d. (4a.)

FINANCE AND COMMERCE DEPARTMENT.

List of Officers in the Finance and Commerce Department. Corrected to February, March, April, May, July, 1901. 4a. or 5d. (1a.) each.

History of Services of Officers holding appointments in offices under the control of the Government of India, Finance and Commerce Department. Corrected to 1st July 1901. Royal 8vo. Boards. 12a. or 1s. 3d. (2a.)

STATISTICAL DEPARTMENT.

Trade and Navigation Accounts of British India for the months of February to July, 1901. Royal 8vo. Stitched. 8a. or 9d. (2a.) each.

Accounts of the External Land Trade of British India for the months of January to May, 1901. Royal 8vo. Stitched. 8a. or 9d. (2a.) each.

Accounts relating to the Trade carried by Rail and River in India in the quarter ending December, 1900 compared with the corresponding periods of the years 1898 and 1899. No. 3, 1900-1901. F'cap. Paper cover. Rs-1 or 1s. 6d. (6a.)

Ditto. Ditto. No. 4, of 1900-1901. F'cap. Paper cover. 8a. or 9d. (2a.)

Prices and Wages in India, 18th issue, 1901. F'cap. Boards. Rs-1-8 or 2s. 3d. (6a.)

Agricultural Statistics of British India, 16th issue, for 1895-96 to 1899-1900. F'cap. Board. Rs-5 or 5s. 3d. (10a.)

Review of the Trade of India in 1900-1901. F'cap. Paper cover. 8a. or 9d. (2a.)

Area and yield of certain crops from 1891, 1892 to 1900-01. Third issue. F'cap. Paper cover. 5a. or 5d. (2a.)

COMPTROLLER GENERAL.

Appropriation Report on the Accounts of the Government of India for 1899-1900. By A. F. Cox, Esq. F'cap. Boards. 8a or 9d. (7a.)

Civil Estimates, 1901-1902. F'cap. Board. Vols. I and II. Rs-3 or 4s. 6d. (13a.) each volume.

MILITARY DEPARTMENT.

Hand Book for the 0'303 Maxim Machine Gun in Urdu, Hindi, and Gurmukhi. Paper cover. Super-Royal 16mo. 2a. or 2d. (1a.) each.

India Military Budget Estimate for 1901-1902. F'cap. Board. Rs-1-8 or 2s. 3d. (8a.)

Mountain Artillery Drill in Urdu, 1897 Edition. Leather Super-Royal 16mo. Rs-1-9-9 or 2s. 4d. (21. 3p.)

Appendix to Mountain Artillery Drill in Urdu, 1897 Edition. Leather. Super-Royal 16mo. Rs-1-4 or 1s. 11d. (11a.)

Musketry Regulations for the Native Army (Provisional issue), 1901. Leather. Royal 16mo. 12a. or 1s. 3d. (2a)

Frontier warfare, 1901. Leather. Super-Royal 16mo. Rs-1 or 1s. 6d. (1a.)

Light Houses and Light Vessels in British India, including those in the Gulf of Aden—List of, as existing at the end of 1900. 20th Issue. Super-Royal 8vo. Board. Rs-1 or 1s. 6d. (2a.)

Regimental Accounts, Native Infantry, 1901. F'cap. Boards. 14a or 1s. 3d. (2a.)

Army Regulations, India, Vol. VII (Dress). Royal 8vo. Paper cover. 12a. or 1s. 3d. (4a.)

Military Works Classified List and Distribution Return. Corrected to 30th June, 1901. Royal 8vo. Paper cover. 4a or 5d. (1a.)

The Monthly Indian Army List for September, 1901. Royal 8vo. Paper cover. Rs-1-8 or 2s. 3d. 4 a. each.

PUBLIC WORKS DEPARTMENT.

Public Works Department Code, Vol. II, General Regulations, 6th Edition, 1900. Cloth. Royal 8vo. (plain) Rs-3 or 4s. 6d. (5a.) Interleaved Rs-12 or 5s. 9d. (12a.)

Budget Estimate of the Indian Telegraph Department for 1901-1902. Paper cover. F'cap. 8a. or 9d. (13a.)

Budget Estimate of the Indo-European Telegraph Department for 1901-1902. Paper cover. F'cap. 8a. or 9d. (11a. 6p.)

History of Services of the Officers of the Engineer, Accounts and State Railway Revenue Establishment to the Government of India, 1900. In two volumes. Royal 8vo. Boards. Vol. I Rs-2-8 or 3s. 9d. (6a.) Vol. II Rs-2-8 or 3s. 9d. (6a.) Complete Rs-5 or 7s. 6d. (9a.)

Administration Report on the Railways in India for the calendar year 1900. F'cap. Paper cover. Rs-2-4 or 3s. (9a.)

Public Works Department Classified List and Distribution Return of Establishment. Corrected up to 30th June, 1901. Super-Royal 8vo. Paper cover. Rs-2 or 3s. (4a.)

Public Works Department Classified List of the Subordinate Establishment. Corrected up to 30th June 1901. Super-Royal 8vo. Paper cover. 4a. or 5d. (1a.)

Histories of Railway Projects, including Tramways. Corrected up to 30th June, 1901. F'cap. Paper cover. Rs-2 or 2s. 8d. 3a.)

Administration Report of the Indian Telegraph Department for 1900-1901. F'cap. Paper cover. 8a. or 9d. (2a.)

NEW BOOKS AND PUBLICATIONS FOR SALE AT THE BENGAL SECRETARIAT BOOK DEPOT, WRITERS' BUILDINGS, CALCUTTA.

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Books required for the Public Service should be obtained through the Heads of Departments.

General Catalogue of Government Publications (corrected up to 30th June, 1901) available on application to the Officer in charge, Bengal Secretariat Book Depot.

The amounts within parentheses are for packing and postage.

WEEKLY LIST OF NEW BOOKS.

FINANCIAL DEPARTMENT.

1. Report on the Road and Public Works Cess operations of the Lower Provinces for the year 1900-1901. F'cap. Paper cover. Price Rs 2 (2a.)
2. Report on the Administration of the Excise Department in the Lower Provinces for the year 1900-1901. F'cap. Paper cover. Price Rs 2 (2a.)
3. Report on the Administration of the Salt Department during the year 1900-1901. F'cap. Paper cover. Price 12as. (2a.).

POLITICAL DEPARTMENT.

Yig Kur Nam Shag being a collection of letters, both official and private and illustrating the different forms of correspondence used in Tibet, Edited by Rai Sarat Chandra Das Bahadur, C.I.E. Published 1891. Royal 8vo. Paper cover. Price Rs 1-8 (2a.).

LIST OF BOOKS PUBLISHED FROM 1ST APRIL, 1901, TO 30TH SEPTEMBER, 1901.

JUDICIAL DEPARTMENT.

- Question Papers set at the Pleadership and Mook-tearship Examinations for the year 1901. Royal 8vo. Paper cover. Price 2a. (1a.)
- Question Papers set at the Examination of candidates for appointment as Assistant Superintendents of Police, November, 1900. Royal 8vo. Paper cover. Price 8a (1a.)
- Question Papers set at the Examination of candidates for appointment as Sub-Inspectors of Police for 1900. Royal 8vo. Paper cover. Price 5a. (1a.)
- Annual Report on the Reformatory Schools at Alipore and Hazaribagh for the year 1900. F'cap. Paper cover. Price 4a. (1a.)
- Report on the Administration of the Police of the Lower Provinces, Bengal Presidency, for the year 1900. By W. R. BRIGHT, Esq., C.S.I., Inspector-General of Police, Lower Provinces. F'cap. Boards, Paper cover. Rs 1 (4a.).
- Annual Report on the Police Administration of the town of Calcutta and its Suburbs for the year 1900, by E. M. SHOWERS, Esq., Commissioner of Police, Calcutta. F'cap. Paper cover. Price Rs 1 (2a.).

POLITICAL DEPARTMENT.

- Notes on the Administration of the Registration Department in Bengal for 1900-1901. F'cap. Paper cover. Price Rs 1-8 (2a.).
- Administration Report on the Jails of Bengal for the year 1900, by LT.-COL. E. MAIR, Inspector-General of Jails, Bengal. F'cap. Board bound. Paper cover. Price Rs 3 (5a.).

APPOINTMENT DEPARTMENT.

- Question Papers set at the Provincial and Subordinate Civil Service Examination for the year 1901. Royal 8vo. Paper cover. Price 4a. (1a.)
- The Quarterly Civil List for Bengal, corrected up to 1st July, 1901. Super-Royal 8vo. Paper cover. Price Rs 3 (4a.).

REVENUE DEPARTMENT.

- Progress Report of Forest Administration in the Lower Provinces of Bengal for the year 1899-1900 by A. E. WILD, Esq., Conservator of Forests, Bengal. F'cap. Paper cover. Price Rs 1-8 (2a.).
- Price Lists of Staple food-crops in the local areas of Bengal prepared under section 39 (1) of the Bengal Tenancy Act, VIII of 1885, for the period from 1st January, 1900, to 31st March, 1900. F'cap. Board bound. Paper cover. Price Rs 1 (2a.).
- Annual Report of the Bengal Veterinary College and of the Civil Veterinary Department, Bengal, for the year 1900-1901. F'cap. Paper cover. Price 8a. (2a.).

GENERAL DEPARTMENT.

- List of Officers in the Subordinate Educational Service, Bengal, corrected up to 1st July, 1901. F'cap. Paper cover. Price 8a. (1a.).
- Report on Emigration from the Port of Calcutta to British and Foreign Colonies, 1900, by C. BANKS, Esq., M.D., C.M., D.P.H., Protector of Emigrants. F'cap. Paper cover. Price 12a. (1a.).

STATISTICAL DEPARTMENT.

Accounts of the Trade of Bengal by Rail and River in the quarter ending 31st December 1900. F'cap. Paper cover. Price Rs (3s.)

FINANCIAL DEPARTMENT.

Annual Report on the consumption of Stationery in Bengal during 1899-1900. F'cap. Paper cover. Price Rs (3s.)

MUNICIPAL DEPARTMENT.

Annotated Returns of the Charitable Dispensaries in Bengal for the year 1900. By COL. T. H. HENDLEY, C.I.E., I.M.S. F'cap. Paper cover. Price Rs (2s.)

Report on the Calcutta Medical Institutions for the year 1900. By COL. T. H. HENDLEY, C.I.E., I.M.S. F'cap. Paper cover. Price Rs (2s.)

Thirty-third Annual Report of the Sanitary Commissioner for Bengal for 1900. By MAJOR H. J. DYSON, I.M.S., F.R.C.S., Sanitary Commissioner for Bengal. F'cap. Board bound. Paper cover. Price Rs 12 (3s.)

PUBLIC WORKS DEPARTMENT.

A Book of Rules for the Sone Canals, 3rd Edition. Corrected up to December, 1900. Royal 8vo. Board bound. Paper cover. Price Rs (4s.)

Distribution Return of Officers and Subordinates employed on Local Works in Bengal. Corrected up to 31st December, 1900. Super-Royal 8vo. Paper cover. Price 2s. (1s.)

Itinerary or Road-guide for Bengal, compiled by the Public Works Department, Bengal. F'cap. Board bound. Paper cover. Price Rs 1-8 (3s.)

The Mechanical Shipment of Coal. Report by the Committee appointed by the Government of Bengal to investigate the circumstances connected with the shipping of coal at the Kidderpore Docks. F'cap. Board bound. Paper cover. Price Rs (3s.)

Report on the working of the Native Passenger Ships Act, 1887, in Bengal for the year 1900-1901. F'cap. Paper cover. Price 4s. (1s.)

LEGISLATIVE DEPARTMENT.

Bengal Act VII of 1878 (Excise), as modified up to 1st May, 1901. Royal 8vo. Price 6s. (1s.)

Bengal Act IX of 1879 (Court of Wards), as modified up to 1st July, 1901. Royal 8vo. Price 6s. (1s.)

Act X of 1873 (Oaths), as modified up to 1st June, 1901, in Uriya. Price 1s. 6p. (6p.)



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 21, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Partially Destroyed.

The Government Promissory Notes—

015215, 3½ per cent. 1854-55	R 1,000	Originally standing in the name of Hormosji Nowrosji Cooper
015220, " " "	" 500	
073044, " " 1865	" 1,000	
073045, " " "	" 500	
077267, " " "	" 500	
087365, " " " "	500	Originally standing in the name of the Bank of Bengal

the latter last endorsed to Hormosji Nowrosji Cooper, the proprietor, by whom all the above notes were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest and for the issue of duplicates in favour of the proprietors.

HORMOSJI NOWROSJI COOPER,

Lost.

The Government Promissory Note No. 122049 of the 3½ per cent. loan of 1865 for Rupees 1,900 originally standing in the name of The Bank of Bengal and last endorsed to Ashima Nath Biswas, the proprietor by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of Duplicate in favour of the proprietor after two years from the date of last advertisement.

Name of the Proprietor—

ASHIMA NATH BISWAS,

Residence,—Khardah, District 24 Perganas.

ERRATUM.—In line 3 of the above advertisement in Part III of *Gazette of India* of the 14th December, 1901, for "Rupees 1,000" read "Rupees 1,900."

Lost.

The Government Promissory Note No. 000161 of 5 per cent. loan of 1872 for Rs500 originally standing in the name of Ragho Waman Ghui and last endorsed to Vinaik Jageshwer Ghui, the proprietor by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

VINAIK JAGESHWER GHUI, *Proprietor,*
Vithal Rukhamai Mandir, Nagpur.
NAGPUR,

Lost.

The Government Promissory Note No. 129140, of the 3½ per cent. of 1865 for Rs. 100, and No. 129141, 3½ per cent. of 1865 for Rs. 100, and No. 129140, 3½ per cent. of 1865 for Rs. 100, standing in the name of Pandikori Sen, a Contractor of the Chief Supply and Transport Office, Presidency District, Calcutta, were made over to the Chief Supply and Transport Officer,

Presidency District, Calcutta, as Security Deposit for his contract. The intimation, of the loss of the notes, has been given to the Debt Office, Bank of Bengal, Calcutta.

J. P. SPARLING, Esq.,

Chief Supply and Transport Officer,

CALCUTTA,

The 5th December, 1901.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 21, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th December, 1901 :—

NO. 10 OF 1901.

THE CODE OF CIVIL PROCEDURE, 190 .

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7. Saving of certain Bombay laws.
8. Application of Code to Small Cause Courts.

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THE FIFTH SCHEDULE.—ENACTMENTS REPEALED.

*The Code of Civil Procedure, 190 .**(Preliminary—Sections 1-2.)**A Bill to Consolidate and amend the Law relating to the Procedure of the Courts of Civil Judicature.*

WHEREAS it is expedient to consolidate and amend the law relating to the procedure of the Courts of Civil Judicature; It is hereby enacted as follows :—

PRELIMINARY.

1. (1) This Act may be called the Code of Short title, com- Civil Procedure, 190 ; and
mencement and extent.

(2) It shall come into force on the first day of —, 190 .

(3) This section and sections 3 and 57A extend to the whole of British India. The other sections extend to the whole of British India, except the Scheduled Districts.

2. (1) In this Code, unless there is anything Definitions. repugnant in the subject or context,—

(a) "agriculturist" means a person who, by himself or by members of his family or by his servants, earns his livelihood, wholly or principally, by agriculture, or who ordinarily engages personally in agricultural labour; and an agriculturist who, without any intention of changing his status as such, temporarily ceases to earn his livelihood by agriculture or to engage personally in agricultural labour, or who is prevented from so earning his livelihood or engaging in agriculture by age or bodily infirmity or by necessary absence in Government service, does not thereby cease to be an agriculturist:

(b) expressions referring to "appearing" shall, except in the case of an application for adjournment which, if made by a party in person, would be granted by the Court, be construed as not including the mere attendance of a pleader where such pleader, by reason of want of instructions, is unable to proceed with the case:

(c) "cause of action" means every fact which it would be necessary for the plaintiff to prove, if traversed, in order to support the claim set forth in the plaint to a decree or order of the Court; but it does not include the evidence necessary for proving such facts, and it has no relation to the defence, nor does it depend upon the nature of the relief sought by the plaintiff:

(d) "Chief Controlling Revenue-authority" means,—

(i) in the Presidency of Fort St. George and the territories respectively under the administration of the Lieutenant-Governors of Bengal and the North-Western Provinces and the Chief Commissioner of Oudh—the Board of Revenue;

(ii) in the Presidency of Bombay, outside Sindh and the limits of the city of Bombay—a Revenue Commissioner;

(iii) in Sindh—the Commissioner;

(iv) in the Punjab and Burma—the Financial Commissioner; and

(v) elsewhere—the Local Government or such officer as the Local Government may, by notification in the local official Gazette, appoint in this behalf:

(e) "Collector" includes every officer performing the duties of a Collector of land-revenue:

(f) "decree" means the formal expression of an adjudication upon the merits of any right claimed, or defence set up, in a Civil Court where such adjudication, so far as regards the Court expressing it, decides the suit or appeal or other proceeding terminable in such an adjudication under this Code or any other enactment or rule of law for the time being in force: and it includes—

(i) an order under section 53, sub-section (1), clause (b), sub-clause (iii), returning a plaint for joinder of causes of action which ought not to be joined in the same suit or which ought not to be so joined without the leave of the Court;

(ii) an order rejecting a plaint under section 53, sub-section (1), clause (a), sub-clause (i) or (ii), as not disclosing a cause of action or as being obviously frivolous or vexatious, or under section 54, clause (c), as appearing from the statement in the plaint to be barred by a positive rule of law;

(iii) an order determining any question referred to in section 244, but not specified in section 588;

(iv) an order rejecting, without inquiry, a complaint made by a decree-holder under section 331;

(v) an order directing money to be paid out of Court in execution of a decree;

(vi) an order under section 396, directing a partition but leaving the actual shares to be allotted in subsequent proceedings;

(vii) an order rejecting an appeal as time-barred;

(viii) an order of an Appellate Court directing the Court which passed a decree to vary or modify it or to prepare a decree in a different form;

(ix) an order refusing leave to sue under clause 12 of the Letters Patent of the High Courts of Judicature at Fort

The Code of Civil Procedure, 1901.

(Preliminary—Section 2.)

- William in Bengal and at Madras and Bombay;
- (x) an order under section 27 of the Administrator General's Act, 1874, ascertaining the rate of the commission due to the Administrator General;
 - (xi) an order deciding any matter under section 523 or rejecting an application under that section on the ground that there has been no valid reference to arbitration;
 - (xii) an order refusing an application to execute an order of His Majesty in Council;
 - (xiii) an order in the course of the execution of a decree, disallowing an objection made by the judgment-debtor to proceedings on the part of the assignee of the decree-holder;
 - (xiv) an order directing or refusing to direct the taking of action alleged by the decree-holder to be warranted by the decree;
 - (xv) an order refusing to admit a person to defend a suit on behalf of a minor;
 - (xvi) an order directing a minor to be made over to a guardian;
 - (xvii) an order obtained by a pleader for costs against his client;
 - (xviii) an order setting aside a sale on the ground of fraud; and
 - (xix) an order under section 87 of the Transfer of Property Act, 1882, extending the time for the payment of mortgage-money by a mortgagor:
- it does not include—
- (x) an order admitting a plaint or returning it otherwise than under section 53, clause (b), sub-clause (iii), for joinder of causes of action which ought not to be joined in the same suit or which ought not to be so joined without the leave of the Court;
 - (xxi) an order rejecting a plaint otherwise than under section 53, clause (a), sub-clause (i) or (ii), as not disclosing a cause of action or as being obviously frivolous or vexatious, or under section 54 otherwise than under clause (c) as barred by a positive rule of law;
 - (xxii) an order under section 97, 98, 99A, 102 or 556, dismissing a suit or appeal;
 - (xxiii) an order restraining or refusing to restrain proceedings in a suit on the ground that the costs of a previous suit have not been paid;
 - (xxiv) a decision of an interlocutory character not turning on the merits or affecting the result of a suit as a whole;
 - (xxv) an order directing that, upon the performance of a condition, a decree shall be passed in due course;

- (xxvi) an order directing an award to be filed or refusing to cause to be filed an agreement to refer to arbitration;
- (xxvii) an order under section 366, clause (a), directing a suit to abate;
- (xxviii) an order allowing a plaintiff to withdraw from a suit or to abandon part of his claim with liberty to bring a fresh suit under section 373;
- (xxix) an order awarding or refusing costs;
- (xxx) an order granting or refusing an application under Chapter XLVII for a review;
- (xxxi) an order granting or refusing inspection of documents;
- (xxxii) an order granting or refusing a certificate of leave to appeal to His Majesty in Council;
- (xxxiii) an order under section 502 rejecting or refusing leave to prefer an appeal as a pauper;
- (xxxiv) an order dismissing an application for the removal of a trustee;
- (xxxv) an order rejecting an appeal on the ground that the memorandum of appeal is insufficiently stamped; or
- (xxxvi) an order made in any of the matters referred to in section 588:

(g) "decree-holder" means any person in whose favour a decree or any order capable of execution has been made, and includes any person to whom such decree or order is transferred;

(h) "district" means the local limits of the jurisdiction of a principal Civil Court of original jurisdiction (hereinafter called a "District Court"), and includes the local limits of the ordinary original civil jurisdiction of a High Court:*

(i) "foreign Court" means a Court situate beyond the limits of British India and not having authority in British India nor established by the Governor General in Council;

(j) "foreign judgment" includes the decree or order of a foreign Court;

(k) "Government Pleader" includes any officer appointed by the Local Government to perform all or any of the functions expressly imposed by this Code on the Government Pleader:

(l) the expression "growing crops" includes crops of all sorts attached to the soil, and leaves, flowers and fruits upon, and juice in, trees and shrubs;

(m) "Judge" means the presiding officer of a Court;

(n) "judgment" means the statement given by the Judge of the grounds of a decree or order;

(o) "judgment-debtor" means any person against whom a decree or order capable of execution has been made:

* The latter part of the present definition has been separated and forms sub-clause (2) of this clause—see *post*, p. 6.

*The Code of Civil Procedure, 1901.**(Preliminary.—Sections 1-4A.)*

211, Exp.] (p) the expression "mesne profits" of property means those profits which the person in wrongful possession of such property actually received, or might with ordinary diligence have received, therefrom during the period of his wrongful possession, together with interest on such profits:

(q) "moveable property" includes growing crops:

(r) "order" means the formal expression of any decision of a Civil Court which is not a decree:

(s) "pleader" means any person entitled to appear and plead for another in Court, and includes an advocate, a vakil and an attorney of a High Court:

(t) "public officer" means a person falling under any of the following descriptions namely:—

- (i) every Judge;
- (ii) every member of the Indian Civil Service;
- (iii) every commissioned or gazetted officer of His Majesty's military or naval forces or of His Majesty's Indian Marine Service while serving under the Government;
- (iv) every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties;
- (v) every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;
- (vi) every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;
- (vii) every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report on, any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government; and
- (viii) every officer in the service or pay of the Government, or remunerated by fees or

commission for the performance of any public duty:

(u) "sign" does not include a signature by initials: and

(v) "stock" includes shares, securities and dividends thereon.

(2) For the purposes of this Code, every Court of a grade inferior to that of a District Court, and every Court of Small Causes, is subordinate to the High Court and the District Court.

4. (1) Nothing in this Code shall affect the Special enactments provisions of—

(a) the Oudh Civil Courts Act, 1879, and the Oudh Courts Act, 1891; or

(b) the Punjab Courts Act, 1884; or

(c) the Central Provinces Civil Courts Act, 1885; or

(d) the Lower Burma Courts Act, 1900; or

(e) any law under the Indian Councils Acts, 1861 and 1892, heretofore or hereafter made by a Governor or a Lieutenant-Governor in Council and prescribing a special procedure for suits between landholders and their tenants or agents; or

(f) any law under the Indian Councils Acts, 1861 and 1892, heretofore or hereafter made by a Governor or a Lieutenant-Governor in Council providing for the partition of immoveable property.

(2) Where under any such Act as aforesaid concurrent civil jurisdiction is given to the Commissioner and the Deputy Commissioner, the Local Government may declare which of such officers shall, for the purposes of this Code, be deemed to be the District Court.

4A. Where any Revenue Courts are governed by the provisions of this Code in its application to Revenue Courts. those matters of procedure upon which any special enactment applicable to them is silent, the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare that any portions of those provisions shall not apply to those Courts, or shall only apply to them with such modifications as the Local Government, with the sanction aforesaid, may prescribe.

Explanation.—For the purposes of this section, the expression "Revenue Court" means a Court having jurisdiction under any law to entertain suits relating to the rent, revenue or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction under this Code.

S. 3—repealing section—has been omitted, the repealing clause of this Bill being placed at the end—see clause 63.

Part I.—Of Suits in General.—Chapter I.—Of the Jurisdiction of the Courts and Res Judicata.—Sections 10-13.)

try such suits being suits of a civil nature of which its cognizance is not barred by any enactment or rule of law for the time being in force.

6. (1) Nothing in this Code shall be deemed to limit or otherwise affect the jurisdiction or procedure—
Saving of jurisdiction and procedure in certain cases.

(a) of Village Munsifs or Village Panchayats under the provisions of any enactment for the time being in force in the Province of Madras; or

(b) of the Chief Court of Lower Burma sitting as a Court for the relief of insolvent debtors;

(2) Save in so far as is otherwise provided by sections 111, 223A and 583, sub-section (5), nothing in this Code shall be deemed to operate to give any Court jurisdiction over suits of which the amount or value of the subject-matter exceeds the pecuniary limits (if any) of its ordinary jurisdiction.

7. With respect to—

Saving of certain Bombay laws.

(a) the jurisdiction exercised by certain jagirdars and other authorities invested with powers under the provisions of Regulation XIII of 1830 of the Bombay Code (a Regulation for vesting certain jagirdars, suranjamis, zars and inamdars with the power of deciding suits within the boundaries of their respective estates) and Act XV of 1840 (an Act for extending Regulation XIII of 1830 of the Bombay Code to the Agents of foreign Sovereigns), in the cases therein mentioned, and

(b) cases of the nature defined in the enactments specified in the first schedule, the procedure in such cases and in the appeals to the Civil Courts allowed therein shall be in accordance with the provisions of this Code, save in so far as those provisions are inconsistent with the specific provisions of any of the enactments mentioned or referred to in this section.

(f) Save as provided by sections 25, 86, 223, 223A, 223B, 223C, 224, sub-section (2), 386, 653A and 653B, and Chapter XXXIX, and by the Presidency Small Cause Courts Act, 1882, this Code shall not apply to any suit or proceeding in a Presidency Court of Small Causes.

(2) The Chapters and sections specified in the second schedule, and no others, shall apply to every suit or proceeding in a Provincial Court of Small Causes.

section 5, see clause 8 (2), post.

division of Code—has been omitted as unnecessary.

PART I.

OF SUITS IN GENERAL.

CHAPTER I.

OF THE JURISDICTION OF THE COURTS AND RES JUDICATA.

10. No person shall, by reason of his descent or place of birth, be in any civil proceeding exempted from the jurisdiction of any of the Courts.
No person exempt from jurisdiction by reason of descent or place of birth.

11. Subject to the provisions herein contained, the Courts shall have jurisdiction to try all suits and other proceedings of a civil nature, excepting suits and proceedings of which their cognizance is barred by any enactment or rule of law for the time being in force.
Courts to try all civil suits and proceedings unless specially barred.

Explanation.—For the purposes of this section, a suit or other proceeding in which the right to property or to an office is contested is a suit or proceeding of a civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies.

12. Save where a suit or other proceeding has been stayed under the provisions of section 20, the Court shall not try any suit or other proceeding in which the matter in issue is also directly and substantially in issue in a previously instituted suit or other proceeding for the same relief between the same parties, or between parties under whom they or any of them claim, pending in the same or any other Court, whether superior, co-ordinate or inferior, in British India having jurisdiction to grant such relief, or in any Court beyond the limits of British India established by the Governor General in Council and having like jurisdiction, or before His Majesty in Council:

Provided that the pendency of a suit or other proceeding in a foreign Court shall not preclude the Courts in British India from trying a suit or other proceeding founded on the same cause of action:

Provided also that nothing in this section shall be deemed to dispense with the necessity for instituting any suit or other proceeding within the period prescribed by the law for the time being in force with regard to the limitation of such suit or proceeding.

13. (1) Subject to the provisions of section 14, the adjudication expressed in a final and subsisting judgment, order or decree of a competent Court, which has not been obtained by

The Court of Civil Procedure, 1901.

—Of the Court of Civil Procedure, 1901.—
Res Judicata.—Sections 13-14.)

in a suit or other proceeding in which such judgment, order or decree was delivered, made or passed, whether such matter was—

(i) alleged and denied, or
 (ii) alleged and admitted, either expressly or by implication, or
 (iii) omitted to be alleged, if it formed a necessary ground of attack or defence; and

if the same matter is directly and substantially in issue in a suit or other proceeding between—

- (i) parties to the suit or other proceeding in which the judgment, order or decree was delivered, made or passed, or
- (ii) persons claiming under any such parties by a title arising subsequently to the commencement of such suit or other proceeding, or
- (iii) persons interested in any right claimed in common for themselves and others by any parties litigating in good faith in respect thereof, with the permission of the Court in pursuance of the provisions of section 30, in the suit or other proceeding in which the judgment, order or decree was delivered, made or passed; and

if the parties above referred to in clause (b) were litigating under the same title or on the same grounds in the suit or other proceeding in which the judgment, order or decree was delivered, made or passed, whether such parties or any of them were ranged on the same side or on opposite sides, provided that there has been, on a matter of conflicting interests in active controversy between them, an adjudication necessary to the determination of the suit or other proceeding; and

if the judgment, order or decree was delivered, made or passed by a

Court of exclusive or of concurrent jurisdiction upon a matter falling within such exclusive or concurrent jurisdiction, and if, where the jurisdiction is concurrent, the Court delivering, making or passing the judgment, order or decree would, whether as regards the valuation or the nature of the claim, have been competent to adjudicate upon the subsequent suit or other proceeding; and

- (e) if the matter was heard and finally decided by the Court delivering, making or passing the judgment, order or decree, the decision being material to support such judgment, order or decree and not capable of being altered by such Court otherwise than on review or in exercise of any of the powers conferred by sections 202, 206A, 210 and 257A.

Explanation.—For the purposes of this section,—

- (a) any relief claimed in the plaint or application but not expressly granted in the judgment, order or decree shall be deemed to have been refused; and,
- (b) where a foreign judgment is pleaded in bar or tendered in evidence, the Court, on the production of such judgment duly authenticated, shall presume that it was delivered by a Court competent to deliver it, unless the contrary appears on the record.

(2) Nothing in this section shall be deemed to limit or otherwise affect any remedy which, by any enactment or rule of law for the time being in force, is open to any person against any judgment, order or decree delivered, made or passed in a suit or other proceeding to which such person was a party whilst suing or being sued as a minor represented by a next friend or guardian for the suit.

14. (1) No foreign judgment shall operate as a bar to a suit in British India,—

- (a) if it has not been given on the merits of the case; or
- (b) if it appears on the face of the proceeding to be founded on an incorrect view of international law or of any enactment or rule of law for the time being in force in British India; or
- (c) if it is, in the opinion of the Court before which it is produced, contrary to natural justice; or
- (d) if it has been obtained by fraud; or
- (e) if it sustains a claim founded on a breach of any enactment or rule of law for the time being in force in British India.

the time being in force in British India.

(2) Where a suit is instituted in British India on the judgment of any foreign Court in Asia or Africa, except a Court of Record established by Letters Patent or a Supreme Consular Court established by an Order of His Majesty or any of His Majesty's predecessors in Council, the Court in which the suit is instituted shall not be precluded from inquiring into the merits of the case in which the judgment was delivered.

CHAPTER II.

OF THE COURT OF INSTITUTION.

15. Subject to the provisions of section 578A.

every suit shall be instituted in the Court of the lowest grade competent to try it; and jurisdiction properly exercised under this section shall not be deemed to be ousted, either in the suit or in any proceeding taken in continuation thereof, because a plaintiff has overestimated his claim or because, by a process of accumulation, the value of the property has increased.

16. Subject to the pecuniary or other limitations prescribed by or under any enactment for the time being in force every suit—

- (a) for the recovery of immoveable property,
- (b) for the partition of immoveable property,
- (c) for foreclosure, sale or redemption in the case of a mortgage of immoveable property,
- (d) for the determination of any other right to, or interest in, immoveable property,
- (e) for compensation for wrong to immoveable property,
- (f) for the recovery of immoveable property actually under distraint or attachment,

shall be instituted in the Court within the local limits of whose jurisdiction the property is situate:

Provided that a suit to obtain relief respecting, or compensation for wrong to, immoveable property held by or on behalf of the defendant may, where the relief sought can be entirely obtained through his personal obedience, be instituted either in the Court within the local limits of whose jurisdiction the property is situate, or in the Court within the local limits of whose jurisdiction he actually and voluntarily resides, or carries on business, or personally works for gain.

Explanation.—For the purposes of this section, "property" means property situate in British India.

19. (1) Where a suit is to obtain relief re-

Suit for immoveable property situate within jurisdictions of different Courts or in different districts. specting, or compensation for wrong to, immoveable property situate within the limits of a single district, but within the jurisdiction of different Courts, the suit may be instituted in the Court within the local limits of whose jurisdiction any portion of the property is situate:

Provided that, in respect of the value of the subject-matter of the suit, the entire claim is cognizable by such Court.

(2) Where the immoveable property is situate within the limits of different districts, such suit as aforesaid may be instituted in any Court otherwise competent to try it, within the local limits of whose jurisdiction any portion of the property is situate.

16A. (1) Where it is alleged to be uncertain

within the local limits of the jurisdiction of which of two or more Courts any immoveable property is situate, any one of those Courts may, if satisfied that there is ground for the alleged uncertainty, record or cause to be recorded a statement to that effect and thereupon proceed to entertain and dispose of any suit relating to that property, and its decree in the suit shall have the same effect as if the property were situate within the local limits of its jurisdiction.

Provided that the suit is one with respect to which the Court is competent, as regards both the subject-matter and the value of the suit, to exercise jurisdiction.

(2) Where a statement has not been recorded as aforesaid and an objection is taken before an Appellate or Revisional Court that a decree or order in a suit relating to such property was made by a Court not having jurisdiction where the property is situate, the Appellate or Revisional Court shall not allow the objection if, in its opinion, there was, at the time of the institution of the suit, any reasonable ground for uncertainty as to the Court having jurisdiction with respect thereto.

18. Where a suit is for compensation for

Suit for compensation for wrong done to the person or to moveable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain within the local limits of the jurisdiction of another Court, the suit may be instituted, at the option of the plaintiff, in either of the said Courts.

Illustrations.

(a) A, residing in Delhi, beats B in Calcutta. B may sue A either in Calcutta or in Delhi.

Sections 17-22.)

(7) A, residing in Delhi, publishes in Calcutta statements defamatory of B. B may sue A either in Calcutta or in Delhi.

(8) A, travelling on the line of a Railway Company whose principal office is at Howrah, is upset and injured by negligence imputable to the Company. A may sue the Company either at Howrah or at Calcutta.

Subject to the limitations aforesaid, every suit may be instituted in any Court within the local limits of whose jurisdiction the defendant, or each of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain; or

(a) any of the defendants, where there are more than one at the time of the commencement of the suit, actually and voluntarily resides, or carries on business or personally works for gain, provided that in such case either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or

(b) the cause of action or claim, wholly or in part, arises, provided that in such case the leave of the Court is given.

Explanation I.—For the purposes of this section, where a person has a permanent dwelling at one place and also a lodging at another place for a temporary purpose only, he shall be deemed to reside at both places in respect of any cause of action or claim arising at the place where he has such temporary lodging.

Explanation II.—For the purposes of this section, a corporation or company shall be deemed to carry on business at its sole or principal office in British India or, in respect of any cause of action or claim arising at any place where it has also a subordinate office, at such place.

Explanation III.—For the purposes of this section, the cause of action in a suit arising out of a contract arises at—

(a) the place where the contract was made; or

(b) the place where the contract was to be performed or performance thereof completed; or

(c) the place where, in performance of the contract, any money to which the suit relates, was expressly or impliedly payable.

Sec. 17 and 18 have been transposed, and s. 19 has been renumbered after s. 16, ante.

Illustrations.

(a) A is a tradesman in Calcutta. B carries on business in Delhi. B, by his agent in Calcutta, buys goods of A, and requests A to deliver them to the East Indian Railway Company. A delivers the goods accordingly in Calcutta. A may sue B for the price of the goods either in Calcutta, where the cause of action has arisen, or in Delhi, where B carries on business.

(b) A resides at Simla, B at Calcutta and C at Delhi. A, B and C being together at Benares, B and C make a joint promissory-note payable on demand, and deliver it to A. A may sue B and C at Benares, where the cause of action arose. He may also sue them at Calcutta, where B resides, or at Delhi, where C resides; but in each of these cases, if the non-resident defendant objects, the suit cannot be maintained without the leave of the Court.

20. (1) Where a suit which may be instituted in any one of two or more Courts, is instituted in a Court within the local limits of whose jurisdiction the defendant or all the defendants does not or do not actually and voluntarily reside, or carry on business, or personally work for gain, the defendant or any defendant may, after giving notice in writing to the other parties of his intention to apply to the Court to stay proceedings, apply to the Court accordingly; and, if the Court, after hearing such of the parties as desire to be heard, is satisfied that justice is more likely to be done by the suit being instituted in some other Court, it may stay proceedings either finally or till further orders, and make such order as it thinks fit as to the costs already incurred by the parties or any of them.

(2) In such case the Court shall, if the plaintiff so requires, return the plaint with an endorsement thereon of the order staying proceedings.

(3) Every such application shall be made at the earliest possible opportunity, and in all cases before the issues are settled; and any defendant not so applying shall be deemed to have acquiesced in the institution of the suit.

(4) Where the Court stays proceedings under this section and the plaintiff re-institutes his suit in another Court, the plaint shall not be chargeable with any court-fee:

Provided that the proper fee has been levied on the institution of the suit in the former Court, and that the plaint has been returned by such Court.

22. Where a suit may be instituted in any one of two or more Courts and such Courts are subordinate to the same Appellate Court, any defendant, after giving notice in writing to the other parties of his intention to apply to such Appellate Court to transfer the suit to another Court, may apply accordingly; and the Appellate Court

Procedure where Courts in which suit may be instituted, are subordinate to same Appellate Court.

For s. 21 see clause 20 (4), ante.

Of Suits in General.—Chapter II.—Of the Court of Institution.—Sections 23-25. Chapter III.—Of Parties and their Appearances, Applications and Acts.—Section 26.)

After hearing the other parties, if they desire to be heard, shall determine in which of the Courts having jurisdiction the suit shall proceed.

23. (1) Where a suit may be instituted in any one of two or more Courts and such Courts are subordinate to different Appellate Courts, but are subordinate to the same High Court, any defendant, after giving notice in writing to the other parties of his intention to apply to the High Court to transfer the suit to another Court having jurisdiction, may apply accordingly.

(2) Where the suit is brought in any Court subordinate to a District Court, such application, together with the objections (if any) filed by the other parties, shall be submitted through the District Court to which such Court is subordinate.

(3) The High Court may, after considering the objections (if any) of the other parties, determine in which of the Courts having jurisdiction the suit shall proceed.

24. (1) Where a suit may be instituted in any one of two or more Courts and such Courts are subordinate to different High Courts, any defendant may, after giving notice in writing to the other parties of his intention to apply to the High Court within the local limits of whose jurisdiction the Court in which the suit is brought is situate, apply accordingly.

(2) Where the suit is brought in any Court subordinate to a District Court, such application, together with the objections (if any) filed by the other parties, shall be submitted through the District Court to which such Court is subordinate.

(3) The High Court shall, after considering the objections (if any) of the other parties, determine in which of the several Courts having jurisdiction the suit shall proceed.

25. (1) The High Court or the District Court may, on the application of any of the parties and after giving notice to the parties and hearing such of them as desire to be heard, or of its own motion without giving such notice, withdraw any suit or other proceeding, whether pending in a Court of first instance or of appeal subordinate to such High Court or District Court, as the case may be, and try or dispose of the suit or other proceeding itself, or transfer it for trial or disposal to any other such subordinate Court competent, as regards both the subject-matter and the value of the suit or proceeding to try or dispose of the same, or retransfer it for trial or disposal to the Court from which it was withdrawn.

(2) For the purposes of this section, the Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court.

(3) The Court trying any suit or other proceeding withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

CHAPTER III.

OF PARTIES AND THEIR APPEARANCES, APPLICATIONS AND ACTS.

Parties.

26. (1) All persons may be joined in one suit as plaintiffs in whom any right to relief in respect of or arising out of the same transaction or series of transactions is alleged to exist, whether jointly, severally or in the alternative, where, if such persons brought separate suits, any common question of law or fact would arise. Provided that, if, upon the application of any defendant, it appears that such joinder may embarrass or delay the hearing of the suit, the Court may order separate hearings or make such other order as may be expedient.

(2) Judgment may be given for such one or more of the plaintiffs so joined as may be found to be entitled to relief, for such relief as he or they may be entitled to, without any amendment; but the defendant, though unsuccessful, shall be entitled to his costs occasioned by so joining any person who is not found entitled to relief, unless the Court in disposing of the costs of the suit otherwise directs.

Illustrations.

(a) A, a shareholder in a company, sues B, C and D, the directors, to recover damages for loss alleged to have been sustained by him personally through having been fraudulently induced by them to purchase shares in consequence of the declaration of an illegal dividend. He cannot join in the same suit a claim on behalf of himself and all other shareholders for refund of the dividend, because the right to the reliefs claimed in a personal and in a representative capacity have not arisen out of the same transaction or series of transactions.

(b) A publishes a series of books under the title of the "Aligarh and Agra Publications" so as to induce the belief that the books are publications of corporations at Aligarh and Agra, or either of them. The corporations may join as plaintiffs in a suit to restrain A from using the title because the publication and the belief induced are common questions of fact arising out of the same series of transactions.

(c) In a suit instituted by A, B and C jointly for an injunction restraining D, E and F from watching and besetting, it is alleged that all three defendants, as officers of several associations of workmen, conspired to prevent all persons, not belonging to the associations, from obtaining employment in place of the workmen. To constitute the overt acts alleged to have been committed in furtherance of the conspiracy, it is averred that D, E and F caused A, B and C to be molested, that E used threatening language to A, and that F assaulted C. It is proved that D was no party to the conspiracy. As the claim arises out of the same series of transactions,

Part II.—Order of Court.—Chapter III.—Of Parties and their Applications and Acts.—Sections 27-33.)

27. In a suit for conspiracy, A, B and C may join in the suit, notwithstanding that an injunction is granted against E and F.

28. Where a suit has been instituted in the name of the wrong person as plaintiff, or where it is doubtful whether it has been instituted in the name of the right plaintiff, the Court may at any stage of the suit, if satisfied that the suit was so commenced through a mistake made in good faith and that it is necessary for the determination of the real matter in dispute so to order any other person or persons, with his or their consent, to be substituted or added as plaintiff or plaintiffs upon such terms as the Court thinks just.

29. All persons may be joined as defendants who may be joined against whom the right to any relief is alleged to exist, whether jointly, severally or in the alternative; and judgment may be given against such one or more of the defendants as may be found to be liable, according to their respective liabilities, without any amendment.

30. The plaintiff may, at his option, join as parties to the same suit all or any of the persons severally or jointly and severally, liable on any one contract, including parties to bills of exchange, promissory notes, and promissory notes.

31. Where there are numerous parties capable of being ascertained, and having the same interest in one suit, one or more of such parties, with the express or implied permission of the Court given before the commencement of the suit or at any time afterwards, may sue or be sued, or may defend, in such suit, on behalf of all parties so interested; but the Court shall in such case give notice of the institution of the suit to all such parties either by personal service or, where from the number of parties or any other cause such service is not reasonably practicable, by public advertisement. The Court in each case may direct; and the Court shall direct by whom the costs of and incident to such notice shall be paid.

32. (1) Where misjoinder or non-joinder is, by reason of any law or legal practice for the time being in force, a fatal defect, the Court may, in its discretion, reject the plaint or dismiss the suit or proceed in the manner prescribed by section 32.

(2) Save as provided by sub-section (1), a suit shall be defeated by reason of the misjoinder or non-joinder of parties, and the Court may in every suit deal with the matter in controversy so far as regards the rights and interests of the parties actually before it.

(3) Nothing in this section shall be deemed to enable two or more plaintiffs to join in a suit in respect of distinct causes of action; but where two or more plaintiffs base their claim to relief upon a common ground, the mere fact that the several properties in respect of which relief is claimed belong to several plaintiffs shall not be deemed to render the several claims distinct causes of action.

32. (1) The Court may, on or before the first striking out and hearing, or, where issues are settled, at or before such settlement, upon the application of either party and on such terms as the Court thinks just, order that the name of any party improperly joined, whether as plaintiff or as defendant, be struck out, and the Court may at any time, either upon or without such application and on such terms as the Court thinks just, order that any plaintiff be made a defendant or that any defendant be made a plaintiff, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

(2) No person shall, without his consent, be added as a plaintiff or as the next friend of a plaintiff.

(3) Any person on whose behalf a suit is instituted or defended under section 30, may apply to the Court to be made a party to such suit.

(4) Every party whose name is added under this section as a defendant, shall be served with a summons in manner hereinafter prescribed, and, subject to the provisions of section 22 of the Indian Limitation Act, 1877, the proceedings as against him shall be deemed to have begun only on the day on which he was added as a defendant.

(5) The Court may give the conduct of the suit to such plaintiff as it deems proper.

(6) The Court shall not refuse to add any person as a party to a suit merely because so far as such person is concerned, the suit is barred by the law of limitation for the time being in force.

(7) Where a person found by the Court to be a necessary party does not consent to be added as a plaintiff, the Court shall add him as a defendant.

33. Where a defendant is added, the plaintiff shall, unless the Court otherwise directs, be amended in such manner as may be necessary, and amended copies of the summons and of the plaint shall, unless the Court otherwise directs, be served on the new defendant and the original defendants.

Applications and Acts.—Sections 34-40.)

All objections for want of parties, or for want of taking joinder of parties who have no interest in the suit, or for misjoinder as co-plaintiffs or co-defendants, shall be taken at the earliest possible opportunity, and in all cases before the first hearing or, where issues are settled, before the settlement of issues, unless the ground of objection has, subsequently been given; and any such objection not so taken shall be deemed to have been waived by the defendant.

35. (1) Where there are two or more plaintiffs, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any proceeding under this Code: and in like manner, where there are two or more defendants, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any such proceeding.

(2) Every authority given under sub-section (1) shall be in writing signed by the party giving it, and shall be filed in Court.

Recognised agents and pleaders.

36. Any appearance, application or act in or to any Court, required or authorized by law to be made or done by a party to a suit or appeal in such Court, may, except where otherwise expressly provided by or under any enactment or rule of law for the time being in force, be made or done by the party in person, or by his recognised agent, or by a pleader duly appointed to act on his behalf:

Provided that any such appearance shall, if the Court so directs, be made by the party in person.

37. (1) The recognized agents of parties by whom such appearances, applications and acts may be made or done are—

(a) persons holding general powers-of-attorney from parties, authorizing them to make and do such appearances, applications and acts on behalf of such parties;

(b) mukhtárs duly certificated under any law for the time being in force and holding special powers-of-attorney authorizing them to do, on behalf of their principals, such acts as may legally be done by mukhtárs;

(c) persons carrying on trade or business for and in the names of parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, in matters

connected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, applications and acts.

(2) Nothing in sub-section (1) shall be deemed to apply to the territories for the time being administered, respectively, by the Lieutenant-Governor of the Punjab, and the Chief Commissioners of Oudh and the Central Provinces; but in those territories the recognized agents of parties by whom such appearances, applications and acts may be made and done, shall be such persons as the Local Government may, by notification in the local official Gazette, declare in this behalf.

38. (1) Processes served on the recognized agent of a party to a suit or appeal shall, unless the Court otherwise directs, be as effectual as if the same had been served on the party in person.

(2) The provisions of this Code for the service of process on a party to a suit shall be deemed to apply to the service of process on his recognized agent.

39. (1) The appointment of a pleader to make or do any such appearance, application or act as aforesaid for any party shall be in writing, and shall be signed by such party or by his recognized agent or by some other person duly authorized by power-of-attorney to act in this behalf.

(2) Every such appointment shall be filed in Court, and, when so filed, shall be considered to be in force until revoked, by leave of the Court, by a writing signed by the client and filed in Court, or until the client or the pleader dies, until all proceedings in the suit or appeal are ended so far as regards the client.

(3) No advocate of any High Court established under the Indian High Courts Act, 1861, or of the Chief Court of the Punjab, or of the Chief Court of Lower Burma, shall be required to present any document empowering him to act:

Provided that, for the purposes of this sub-section, the Sadr Court of Sind shall be deemed to be within the local limits of the jurisdiction of the High Court of Judicature at Bombay.

40. Any process relating to a suit or other proceeding served on the pleader of any party or left at the office or ordinary residence of such pleader, shall, whether the same is for the personal appearance of the party or not, be presumed to be duly communicated and made known to the party whom the pleader represents, and shall, unless the Court otherwise directs, be as effectual for all purposes in relation to the suit or other proceeding as if the same had been given to or served on the party in person.

Transfer of Property Act—Section 41. Chapter IV.—Of the Frame of the Suit (Sections 42-45.)

42. (1) Besides the recognised agents described in section 37, any person residing within the jurisdiction of the Court may be appointed an agent to accept service of process.

(2) Such appointment may be special or general and shall be made by an instrument in writing signed by the principal, and such instrument, or, if the appointment is general, a duly attested copy thereof, shall be filed in Court.

CHAPTER IV.

OF THE FRAME OF THE SUIT.

43. Every suit shall, as far as practicable, be so framed as to afford ground for a final decision upon the subjects in dispute, and so to prevent further litigation concerning them.

44. (1) Every suit shall include the whole of the claim which the plaintiff is entitled, at the time of the institution of the suit, to make in respect of the cause of action, or, in the case of successive causes of action arising out of the same contract, in respect of such causes; and a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court.

(2) Where a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

(3) A person entitled to more than one remedy in respect of the same cause of action may sue for all or any of his remedies; but, if he sues, except with the leave of the Court applied for before the first hearing or, where issues are settled, at or before such settlement, to sue for any of such remedies, he shall not afterwards sue for the remedy so omitted.

Explanation.—For the purposes of this section, an obligation and a collateral security for its performance constitute one cause of action.

Provided that nothing in this section shall be deemed to require a mortgagee, when suing for a decree to be passed in the terms of section 88 of the Transfer of Property Act, 1882, to include in his suit a claim for the relief subsequently obtainable under section 90 of the said Act.

Illustration.

A lets a house to B at a yearly rent of Rs. 1,200. The rent for the whole of the years 1881 and 1882 is due and unpaid. A sues B only for the rent due for 1882. A shall not afterwards sue B for the rent due for 1881.

44. (2) No cause of action shall, except by leave of the Court, be applied for before the first hearing or, where issues are settled, at or before such settlement, to be joined with a suit for the recovery of immovable property, or to obtain a declaration of title to immovable property, except—

- (a) claims for mesne profits or arrears of rent in respect of the property claimed, or for damages in respect of waste committed by any person in unlawful possession thereof;
- (b) claims for damages for breach of a contract under which the property or any part thereof is held; and
- (c) claims by a mortgagee to enforce any of his remedies under the mortgage.

(2) Nothing in sub-section (1) shall be deemed to prevent a plaintiff from asking, in a suit for foreclosure or redemption, for an order against the defendant for delivery of the possession of the mortgaged property.

(3) No claim by or against an executor, administrator or heir, as such, shall be joined with claims by or against him personally, unless the last-mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor, administrator or heir, or are such as he is entitled to, or liable for, jointly with the deceased person whom he represents.

Explanation.—Nothing in this section shall be deemed to compel a plaintiff to obtain the leave of the Court for joining distinct causes of action against the same defendant or defendants or to prevent him from joining, in one suit, claims relating to movable and immovable property, provided that the cause of action is the same.

45. (1) Subject to the provisions of Chapter II and of section 44, the plaintiff may unite in the same suit several causes of action against the same defendant or the same defendants jointly, and any plaintiffs having causes of action which they are jointly interested against the same defendant, or the same defendants jointly, may unite such causes of action in the same suit.

(2) Where it appears to the Court that such causes of action cannot be conveniently tried or disposed of together, the Court may, at any time before the first hearing or, where issues are settled, at or before such settlement, of its own motion or on the application of a defendant, or at any subsequent stage of the suit, if the parties agree, order separate trials of any such causes of action to be had, or make such other order as may be necessary or expedient for the separate disposal thereof.

(3) Where causes of action are united in the same suit, the jurisdiction of the Court

the suit shall depend on the amount of the aggregate subject-matters at the time of the institution of the suit, whether or not an order has been made under sub-section (2).

46. (1) Any defendant alleging that the plaintiff has united in the same suit several causes of action which cannot be conveniently disposed of in one suit, may, at any time before the first hearing or, where issues are settled, at or before such settlement, apply to the Court for an order confining the suit to such of the causes of action as may be conveniently disposed of in one suit.

(2) Where, on the hearing of such application, it appears to the Court that the causes of action are such as cannot all be conveniently disposed of in one suit, the Court may order any of such causes of action to be excluded, and may direct the plaint to be amended accordingly, and may make such order as to costs as may be just.

(3) Every amendment made under this section shall be attested by the signature of the Judge.

CHAPTER V.

OF THE INSTITUTION OF SUITS.

48. Every suit shall be instituted by the presentation of a plaint to the Court or such officer as it appoints in this behalf; and the name, description and place of residence of the person presenting the plaint shall be endorsed thereon at the time of presentation.

49. The plaint shall be distinctly written in the language of the Court:

Provided that, where such language is not English, the plaint may, by leave of the Court, be written in English; but in such case, if the defendant so requires, a translation of the plaint into the language of the Court shall be filed in Court.

50. (1) The plaint shall contain the following particulars to be particulars, namely:—

- (a) the name of the Court in which the suit is brought;
- (b) the name, description and place of residence of the plaintiff;
- (c) the name, description and place of residence of the defendant, so far as they can be ascertained;
- (d) a specification of the age of each party or a statement that he is an adult or a minor, as the case may be;

For s. 47, see clause 46 (2), (3).

(e) a plain and concise statement of the circumstances constituting the cause of action, and where and when it arose;

(f) a demand of the relief which the plaintiff claims;

(g) where the plaintiff has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished; and

(h) the value of the subject-matter of the suit for the purposes of jurisdiction and of court-fees.

(2) Where the plaintiff seeks the recovery of money, the plaint shall state the precise amount so far as the case admits:

Provided that where the plaintiff sues for mesne profits, or for an amount which is found due to him on taking unsettled accounts between him and the defendant, the plaintiff may only state approximately the amount sued for.

(3) Where the subject-matter of the suit is immoveable property and such property is identified by boundaries or by reference in a record of settlement or survey, the plaint shall specify such boundaries and numbers.

(4) Where the plaintiff sues in a representative character, the plaint shall show not only that he has an actual existing interest in the subject-matter, but that he has taken the steps necessary to enable him to institute a suit concerning it.

Illustrations.

(a) A sues as B's executor. The plaint shall show that A has proved B's will.

(b) A sues as C's administrator. The plaint shall show that A has taken out administration to C's estate.

(c) A sues as guardian of D, a Muhammadan. A is not D's guardian according to Muhammadan law and usage. The plaint must state that A is specially appointed D's guardian.

(5) The plaint shall show that the defendant is interested in the subject-matter and that he is liable to be called upon to satisfy the plaintiff's demand.

Illustration.

A dies leaving B his executor, C his legatee, and D a debtor to A's estate. C sues D to compel him to pay the debt in satisfaction of C's legacy. The plaint must show that B has causelessly refused to sue D, or that B and D have colluded for the purpose of defrauding C, or such circumstances rendering D liable to C.

(6) Where the cause of action has arisen beyond the period ordinarily allowed by law for instituting the suit, the plaint shall state the ground upon which exemption from the limitation is claimed.

51. The plaint shall be signed by the plaintiff or by some person authorized by him to sign the same.

Plaints to be signed by the plaintiff and his pleader, except in the case of a person suing in accordance with the provisions of

of the plaintiff, by each of the plaintiffs and the co-defender (if any):

Provided that, where a plaintiff is, by reason of absence or for other good cause, unable to sign the plaint, it may be signed by any person duly authorized by him to sign the plaint on his behalf.

(1) Except in the case of a suit instituted by the Government or of a suit for an information exhibited by the Advocate General in exercise of the power conferred by section III of the East India Company Act, 1813, the plaint shall be verified at the foot by the plaintiff or by one of the plaintiffs or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case.

The person verifying shall specify, by reference to the numbered paragraphs of the plaint, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

The verification shall be signed by the plaintiff making it and shall contain a true declaration of the date on which and the place at which it was signed.

(2) The plaint may, in the discretion of the Court,—

be returned for amendment or amended.

at or before the first hearing, or, where issues are settled, at or before such settlement, be rejected if—

- (i) it does not disclose a cause of action, or
- (ii) it is obviously frivolous or vexatious, or
- (iii) the plaintiff fails to comply with the provisions of section 58;

at or before the first hearing, or, where issues are settled, at or before such settlement, be returned for amendment within a period to be fixed by the Court and upon such terms as to the payment of costs occasioned by such amendment as the Court thinks fit, if—

- (i) it is not signed and verified as hereinbefore required, or
- (ii) it does not state correctly and without prolixity the several particulars hereinbefore required or contains particulars other than those so required, or
- (iii) it is wrongly framed by reason of non-joinder or misjoinder of parties, or joinder of causes of action which ought not to be joined in the same suit, or
- (iv) it is not framed in accordance with the provisions of section 42;

at any time before judgment, or at any time after judgment, by the Court upon such terms as to payment of costs as the Court thinks fit:

Provided that a plaint shall not be amended either by the party to whom it is returned for amendment, or by the Court, so as to convert a suit of one character into a suit of another and inconsistent character.

(2) Where a plaint is amended under this section the amendment shall be attested by the signature of the Judge.

(3) Nothing in this section shall be deemed to limit or otherwise affect the inherent power of the Court at any time to stay or dismiss any suit or other proceeding, or to strike out any pleading, which is shown to the satisfaction of the Court to be frivolous or vexatious or in any way an abuse of its process.

Illustrations.

(a) A, the official assignee of a deceased insolvent's estate, sues B for Rs. 1,50,000 alleged in the plaint to be unlawfully withheld from the estate in consequence of a payment fraudulently concealed from A's predecessor in office. It is proved that A's predecessor was aware of the payment. A applies to amend his plaint by alleging that, though his predecessor consented to the payment, such consent was illegal, as being a fraud, of a different kind, upon the Court. The amendment cannot be allowed, because to allege fraud of one kind and to substitute fraud of another kind is to convert the suit into one of an inconsistent character.

(b) A, having been put in possession of immovable property in execution of a decree under appeal, sues B for a declaration of title relating to the property. After the presentation of the plaint, the decree is reversed by the Appellate Court on a technical objection with regard to the framing of the suit, and possession of the property affected thereby is restored to B. A applies to amend his plaint by adding a prayer for possession. The amendment may be allowed as not converting the suit into one of an inconsistent character.

54. The plaint shall, at any stage of the hearing, be rejected,—

Rejection of plaint.

- (a) if the relief sought is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a period to be fixed by the Court, fails to do so;
- (b) if the relief sought is properly valued but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a period to be fixed by the Court, fails to do so;
- (c) if the suit appears from the statement in the plaint to be barred by any positive rule of law; or
- (d) if the plaint, having been returned for amendment within a period fixed by the Court, is not amended within such period.

54A. Any period fixed by the Court under section 53 or section 54 may, from time to time, be extended, even though the original period has expired; but, subject to the provisions of section 54B, any period so fixed or extended by the Court shall be so fixed or extended as not to exceed the period allowed for the institution of the suit by the law of limitation for the time being in force.

54B. Where a plaint has been presented within the period allowed by the law of limitation for the time being in force, but is written upon paper insufficiently stamped and the insufficiency of the stamp was caused by mistake on the part of the plaintiff as to the amount of the requisite stamp, the plaint shall have the same effect and be as valid as if it had been properly stamped:

Provided that the plaint shall be rejected unless the plaintiff supplies the requisite stamp within a reasonable period after the discovery of the mistake, to be fixed by the Court, or within such further period as may from time to time be allowed by the Court.

55. Where a plaint is rejected, the Judge shall record or cause to be recorded an order to that effect with the reasons therefor.

56. The rejection of the plaint on any of the grounds hereinbefore mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

57. (1) The plaint shall at any stage of the hearing, be returned to be presented to the proper Court,—

(a) if the suit has been instituted in a Court other than the Court competent to try it, where such Court exists or where no option as to the selection of the Court is allowed by law;

(b) if, in a suit relating to immoveable property, but not coming under the proviso to section 16, it appears that no part of such property is situate within the local limits of the jurisdiction of the Court to which the plaint is presented; or

(c) if, in any other case, it appears that the cause of action did not arise, and that none of the defendants are dwelling or carrying on business, or personally working for gain, within such local limits.

(2) On returning the plaint the Judge shall endorse, or cause to be endorsed, thereon the date of its presentation and return, the name of

the party presenting it, and a brief statement of the reasons for returning it.

57A. Every power to reject or to return the plaint for amendment, or to amend the plaint, which is given by any of the foregoing sections of this Chapter and which, in the opinion of any Appellate or Revisional Court, should have been exercised by a Court of first instance, may be exercised by such Appellate or Revisional Court.

57B. The Court shall cause the plaints mentioned in section 57A to be entered in a book to be kept for the purpose and called the register of civil suits; and such entries shall be numbered every year according to the order in which the plaints are admitted.

58. (1) The plaintiff shall endorse on the plaint or annex thereto, a memorandum of the documents and concise statements (if any) which he has produced along with it; and, if the plaint is admitted, he shall, save in so far as is otherwise provided by sub-section (2), present as many copies on plain paper of the plaint as there are defendants.

(2) The Court may, if it thinks fit, having regard to the length of the plaint or the number of the defendants, or for any other sufficient reason, permit the plaintiff to present, in lieu of the copies of the plaint referred to in sub-section (1), a like number of concise statements of the nature of the claim made or of the relief or remedy required, in the suit, and thereupon the plaintiff shall present such statements.

(3) Where the plaintiff sues, or the defendant or any of the defendants is sued, in a representative capacity, the concise statements (if any) presented under sub-section (2), shall show in what capacity the plaintiff or defendant sues, or is sued.

(4) The plaintiff may, by leave of the Court, amend such statements so as to make them correspond with the plaint.

(5) The memoranda, copies of plaints or concise statements referred to in this section shall be signed, and verified, so far as may be, in the manner provided for the signing and verification of plaints.

(6) The plaintiff shall, either at the time of the admission of the plaint or within such period as the Court may, by general or special order, fix, or within such further period as it may from time to time allow, furnish the copies of the plaint and concise statements hereinbefore referred to and all such information as may be necessary for the purpose of issuing the summons referred to in section 64.

59. (1) Where a plaintiff sues upon a document in his possession or power, he shall produce it in Court when the plaint is

plaintiff, and shall at the same time deliver the instrument or a copy thereof to be filed with the Court.

Where the plaintiff relies on any other documents (whether in his possession or power or not) in evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.

Where any such document is not in the possession or power of the plaintiff, he shall, if possible, state in whose possession or power it is.

Where a suit is founded upon a negotiable instrument, and it is proved that the instrument is lost, and an indemnity is given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon the instrument, the Court may pass such decree as it would have passed if the plaintiff had produced the instrument in Court when the plaint was presented and had at the same time delivered a copy of the instrument to be filed with the plaint.

(1) Save in so far as is otherwise provided by the Bankers' Books Evidence Act, 1891, where a document on which the plaintiff sues, is an entry in a shop-book or other book in his possession or power, the plaintiff shall produce the book at the time of filing the plaint, together with a copy of the entry on which he relies.

The Court, or such officer as it may appoint in its behalf, shall forthwith mark the document for the purpose of identification; and, after examining and comparing the copy with the original and attesting the copy, if found correct, shall return the book to the plaintiff and cause the copy to be filed.

(1) A document which ought to be produced in Court by the plaintiff when the plaint is presented or to be entered in the list to be added or annexed to the plaint, and which is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

Nothing in this section shall be deemed to apply to any document produced for the cross-examination of the defendant's witnesses, or produced in answer to any case set up by the defendant, or handed to a witness merely to refresh his memory.

CHAPTER VI.

OF THE ISSUE AND SERVICE OF SUMMONS.

Issue of summons.

(1) When the plaint has been registered and the copies or concise statements required by sec-

tion 58 have been filed, a summons may be issued to each defendant to appear and answer the claim, on a day and at an hour to be therein specified,—

- (a) in person, or
- (b) by a pleader duly instructed and able to answer all material questions relating to the suit, or
- (c) by a pleader accompanied by some other person able to answer all such questions.

(2) Every such summons shall be signed by the Judge or such officer as he may appoint in this behalf, and shall be sealed with the seal of the Court:

Provided that no such summons shall be issued when the defendant has appeared at the presentation of the plaint and admitted the plaintiff's claim.

(3) Every such summons shall be accompanied by one of the copies or concise statements referred to in section 58.

66. (1) Where the Court sees reason to require the personal appearance of the defendant, the summons shall order him to appear in person in Court on the day therein specified.

(2) Where the Court sees reason to require the personal appearance of the plaintiff on the same day, it may make an order for such appearance.

(3) No party shall be ordered to appear in person, if he is exempted from personal appearance in Court by or under this Code or any other law for the time being in force, or, if not so exempted, unless he resides—

- (a) within the local limits of the Court's ordinary original jurisdiction, or
- (b) without such limits but at a place less than fifty or, where there is railway communication for five-sixths of the distance between the place where he resides and the place where the Court is situate, two hundred miles from the court-house.

68. The Court shall determine, at the time of issuing the summons, whether it shall be for the settlement of issues only or for the final disposal of the suit; and the summons shall contain a direction accordingly:

Provided that, in every suit heard by a Court of Small Causes, the summons shall be for the final disposal of the suit.

69. The day for the appearance of the defendant shall be fixed by the Court with reference to the

business, the place of residence of the defendant and the time necessary for the service of the summons; and the day shall be fixed as to allow the defendant sufficient time to enable him to appear and answer on such day.

Explanation.—For the purposes of this section, what shall be deemed to be sufficient time shall be determined with reference to the circumstances of the case.

70. The summons to appear and answer shall order the defendant to produce any document in his possession or power which contains evidence relating to the merits of the plaintiff's case, or upon which the defendant intends to rely in support of his case.

Summons to order defendant to produce documents required by plaintiff or relied on by defendant.

71. Where the summons is for the final disposal of the suit, it shall direct the defendant to produce, on the day fixed for his appearance, the witnesses upon whose evidence he intends to rely in support of his case.

On issue of summons for final disposal, defendant to be directed to produce his witnesses.

Service of summons.

72. (1) Where the defendant resides within the jurisdiction of the Court in which the suit is instituted, or has an agent resident within that jurisdiction empowered to accept service of the summons, the summons shall, unless the Court otherwise directs, be delivered or sent to the proper officer to be served by him or one of his subordinates.

Delivery or transmission of summons for service.

(2) The proper officer may be an officer of a Court other than that in which the suit is instituted, and, where he is such an officer, the summons may, subject to any rules which the High Court may make in this behalf, be sent to him by registered post or in such other manner as the Court may direct.

73. Service of the summons shall be made by delivering or tendering a copy thereof signed by the Judge or such officer as he may appoint in this behalf, and sealed with the seal of the Court.

Mode of service.

74. Subject to the provisions of section 469C, where there are more defendants than one, service of the summons shall be made on each defendant.

Service on several defendants.

75. Service shall be made, so far as practicable, on the defendant in person, unless he has an agent empowered to accept service, in which case service on such agent shall be sufficient.

Service to be on defendant in person, where practicable, or on his agent.

76. In a suit relating to any business or work against a person who does not reside within the limits of the jurisdiction of the Court from which the summons is issued, service on any manager or agent, who, at the time of service, personally carries on such business or work for such person within such limits, shall be deemed to be good service.

Service on agent by whom defendant carries on business.

Explanation.—For the purposes of this section, the master of a ship shall be deemed to be the agent of his owner or charterer.

77. Where, in a suit to obtain relief respecting, or compensation in charge, in suits for wrong to, immoveable or moveable property, service cannot be made on the defendant in person and the defendant has no agent empowered to accept service, service may be made on any agent of the defendant in charge of the property.

Service on agent in charge, in suits for wrong to, immoveable or moveable property.

78. Where, in any suit, the defendant cannot be found and has no agent empowered to accept service, service may be made on any adult male member of the family of the defendant residing with him.

Service on male member of defendant's family.

Explanation.—For the purposes of this section, a servant shall not be deemed to be a member of the family.

79. When the serving-officer delivers a copy of the summons to the defendant personally, or to an agent or other person on his behalf, he shall require the signature of a person to whom the copy is so delivered, tendered, to an acknowledgment of service endorsed on the original summons.

Person served to sign acknowledgment.

80. Where—

Procedure where service is refused or cannot be made on person.

- (a) the defendant or his agent or any other person as aforesaid refuses to sign the acknowledgment, or
- (b) the serving officer, after using all due and reasonable diligence, cannot find the defendant, and there is no agent empowered to accept service nor any other person on whom service can be made,

the serving-officer shall affix a copy of the summons on the outer door or on some other conspicuous part of the house in which the defendant ordinarily resides, and shall then return the original to the Court from which it was issued with a return endorsed thereon or annexed thereto stating that he has so affixed the copy and the circumstances under which he did so, and the name and address of the person

identifying the house and witnessing the

provided that, where the defendant retains the copy of the summons delivered to him and refuses to sign the acknowledgment on it, or where no house in which the defendant ordinarily resides can be discovered, the Court may direct that the summons shall be deemed to have been duly served.

81. Where a summons has been served under section 79, the serving-officer shall endorse or annex, or cause to be endorsed or annexed, on or to the original summons, a return stating the time when, and the manner in which, the summons was served, and the name and address of the person identifying the person to be served and witnessing the delivery or tender of the summons.

82. Where a summons is returned under section 80, the Court shall, if the return under that section has not been verified by the affidavit of the serving-officer, and may, if it has been so verified, examine the serving officer on oath, or cause him to be so examined by another Court, touching his proceedings, and may make such further inquiry into the matter as it thinks fit; and shall either declare that the summons has been duly served or order such service as it thinks fit.

83. (1) Where the Court is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding service, or that for any other reason the summons cannot be served in the ordinary way, the Court shall order the summons to be served by affixing a copy thereof in some conspicuous place in the court-house, and also upon some conspicuous part of the house (if any) in which the defendant is known to have last resided, or in such other manner as the Court thinks fit.

(2) Service substituted by order of the Court under this section shall be as effectual as if it had been made on the defendant personally.

(3) Where service is substituted by order of the Court under this section, the Court shall fix such time for the appearance of the defendant as the case may require.

84. (1) Where the defendant resides within the jurisdiction of any Court other than the Court in which the suit is instituted, and has no agent resident within the local limits of the jurisdiction of the latter

Service of summons where defendant resides within jurisdiction of another Court and has no agent to accept service.

Court empowered to accept service, such Court shall—

(a) send the summons, either by one of its officers or by post, to any Court being a High Court, having jurisdiction at the place where the defendant resides by which it can be conveniently served or,

(b) in its discretion, upon the application of the plaintiff, deliver it to him for presentation in such Court, and shall fix such time for the appearance of the defendant as the case may require.

(2) The Court to which a summons is sent or presented under sub-section (1), shall, upon receipt thereof, proceed as if it had itself issued the summons, and shall then return the summons to the Court from which it was originally issued, together with the record (if any) of its proceedings with regard thereto.

86. (1) Where a summons issued by any Court established beyond the limits of the towns of Calcutta, Madras, Bombay and Rangoon is to be served within any such limits, it shall be sent to the Court of Small Causes within whose jurisdiction it is to be served.

(2) Such Court of Small Causes shall deal with the summons in the same manner as if it had itself issued it, and shall then return the summons to the Court from which it was originally issued.

87. (1) Where the defendant is confined in a prison, the summons shall be delivered to the officer in charge of the prison, and such officer shall cause it to be served upon the defendant, and shall then return it to the Court from which it was issued, together with a statement of the service endorsed thereon and signed by him and by the defendant.

(2) Where the prison in which the defendant is confined, is not in the district in which the suit is instituted, the summons may be sent to the officer in charge of such prison, and such officer shall cause the summons to be served upon the defendant, and shall then return it to the Court from which it was issued, together with a statement of the service endorsed thereon and signed as provided in sub-section (1).

89. Where the defendant resides out of British India and has no agent resident within the local limits of the jurisdiction of the latter

Service where defendant resides out of British India and has no agent.

British India empowered to accept service, the summons shall be addressed to the defendant at the place

For ss. 83 and 84, see clause 83 (2), (3).

For s. 88, see clause 87 (2).

to be residing and forwarded to him by post. If there is postal communication between the place and the place where the Court is sitting.

90. Where in the exercise of any foreign jurisdiction vested in His Majesty or in the Governor General in Council, a Political Agent has been appointed, or a Court has been established or continued, with power to serve a summons issued by a Court under the Code in any foreign territory in which the defendant resides, the summons may be sent to such Political Agent or Court, by post or otherwise, for the purpose of being served upon the defendant; and, if the Political Agent or Court returns the summons with an endorsement signed by him or it that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be deemed to be evidence of the service.

Illustration.

A institutes a suit at Madras against B residing at Saigon in the French dependency of Indo-China, where the British Government has appointed a consul. The summons cannot be sent for service to the consul because that officer is not vested with power to serve a summons in foreign territory.

90A. (1) Where the defendant is a public officer (not belonging to His Majesty's military or naval forces or to His Majesty's Indian Marine Service) or the servant of a railway company or local authority, the Court may send a copy of the summons to the head of the office in which the defendant is employed, for the purpose of being served on him, if it appears to the Court that the summons may be most conveniently so served.

(2) Where the defendant is a commissioned or gazetted officer of His Majesty's military or naval forces or of His Majesty's Indian Marine Service, the Court shall send the summons to be served in such manner and through such person as the Governor General in Council may, by rules made in this behalf after previous publication, direct.

(3) Where the defendant belongs otherwise than as a commissioned or gazetted officer to Her Majesty's military or naval forces or to His Majesty's Indian Marine Service, the Court shall send the summons to his commanding officer to be served on him.

(4) Where a summons is sent to any person in accordance with the provisions of this section or of any rules made thereunder, that person shall be bound to serve it, if possible, and to return it under his signature, with the written acknowledgment of the defendant, and such signature shall be deemed

to be evidence of due service. If from any cause service is impossible, the summons shall be returned to the Court with a statement of such cause and of the steps taken to procure service, and such statement shall be deemed to be evidence of non-service.

91. (1) The Court may, notwithstanding any substitution of letter thing hereinbefore contained, substitute for a summons a letter signed by the Judge or such officer as he may appoint in this behalf, where the defendant is, in the opinion of the Court, of a rank entitling him to such mark of consideration.

(2) A letter substituted under sub-section (1) shall contain all the particulars required to be stated in a summons, and, subject to the provisions of sub-section (3), shall be treated in all respects as a summons.

(3) A letter so substituted may be sent to the defendant by post or by a special messenger selected by the Court, or in any other manner which the Court thinks fit; and, where the defendant has an agent empowered to accept service, the letter may be delivered or sent to such agent.

92A. The Governor General in Council, on Service without the the recommendation and intervention of the with the concurrence of the Local Government and of the High Court, may, by rules made in this behalf after previous publication in the Gazette of India and the local official Gazette, direct that in any specified area, the summons in all suits or in any classes of suits shall or may be served by the plaintiff without the intervention of the Court, and, in such case, shall regulate the procedure relating to such service.

92B. (1) The Governor General in Council, on Service by post. on the recommendation and with the concurrence of the Local Government and of the High Court, may, by notification in the Gazette of India and in the local official Gazette, direct that, in any specified area, service of the summons, either in all suits or in any classes of suits, shall or may be effected, either in addition to, or in substitution for, any other mode of service by post in a letter addressed to the defendant and registered under Chapter VI of the Indian Post Office Act, 1898.

(2) Where a summons is forwarded in a letter in accordance with a notification under sub-section (1) and is proved to have been duly posted and registered, the Court may presume that the summons has been duly served; and refusal of the letter by, or on behalf, or with the knowledge, of the defendant shall have the effect of personal service of the summons on the defendant, and

the defendant shall be estopped from denying knowledge of its contents.

The signature of the defendant taken in the ordinary course of business on the postal receipt shall, on proof of its identity by any person acquainted with such signature, be evidence of service, although the postal officer delivering the letter is not examined as a witness.

(4) The provisions of section 27 of the General Clauses Act, 1897, shall not apply to service by post under this section.

Service of process generally.

93. (1) Every process issued under this Code shall, unless the Court at expense of party otherwise directs, be served at the expense of the party on whose behalf it is issued.

(2) The court-fee leviable for such service shall be levied within a time to be fixed by the Court before the process is issued.

94. All notices and orders in writing required by this Code to be given to, or served on, any person shall be served in the manner hereinbefore provided for the service of summons.

Postage.

95. Postage, where chargeable on any notice, summons or letter issued under this Code and forwarded by post, and the fee (if any) for postal registration, shall be paid within a time to be fixed by the Court before the communication is forwarded.

Provided that the Local Government, with the previous sanction of the Governor General in Council, may remit such postage, or fee, or both, or may prescribe a scale of court-fees to be levied in lieu thereof.

CHAPTER VII.

OF THE APPEARANCE OF THE PARTIES AND CONSEQUENCE OF NON-APPEARANCE.

96. On the day and at the hour fixed in the summons for the defendant to appear and answer, the parties shall be in attendance at the court-house in person or by their respective pleaders, and the suit shall then be heard, unless the hearing is adjourned to a future day and hour fixed by the Court.

97. Where, on the day and at the hour fixed, it is found that the summons has not been served upon the defendant in consequence of the failure of the plaintiff to pay, within the time fixed under section 95, the court-fee, postage and postal registration fee (if any) leviable for such service, the Court may dismiss the suit:

Dismissal where summons not served in consequence of plaintiff's failure to pay fees for service.

Provided that no such order dismissing a suit shall be passed although the summons has not been served upon the defendant, if, on the day and at the hour so fixed, he attends in person or, where he is allowed to appear by agent, by agent.

98. Where, on the day and at the hour fixed or on any subsequent day and at any subsequent hour to which the hearing has been adjourned, neither party appears, the suit shall, unless the Judge, on reasons to be recorded by him or under personal direction and superintendence, otherwise directs, be dismissed.

99. Where a suit is dismissed under section 97 or section 98, the plaintiff may, subject to the law of limitation for the time being in force, bring a fresh suit; or if, within the period of thirty days from the date of the order dismissing the suit, he satisfies the Court that there was a sufficient excuse for his not paying the court-fee, postage or postal registration fee (if any) leviable within the time allowed under section 95, or for his non-appearance, as the case may be, the Court shall pass an order setting aside the dismissal and appointing a day for proceeding with the suit.

99A. (1) Where, after a summons has been issued to the defendant to one of several defendants and returned unserved, and the plaintiff fails, for a period of six months from the date of the return made to the Court by the officer ordinarily certifying to the Court returns made by the serving officers, to apply for the issue of a fresh summons and to satisfy the Court that he has made his best endeavours to discover the residence of the defendant who has not been served, or such defendant is avoiding service of process, the Court may dismiss the suit as against such defendant.

(2) In such case the plaintiff may, subject to the law of limitation for the time being in force, bring a fresh suit.

100. (1) Where, on the day and at the hour fixed in the summons, the defendant to whom the summons is served appears, the Court may dismiss the suit as against the defendant to whom the summons is not served.

*The Code of Civil Procedure, 1901.***(Part I.—Of Suits in General.—Chapter VII.—Of the Appearance of the Parties and Consequence of Non-appearance.—Sections 101-108.)**

and answer, the plaintiff appears and the defendant does not appear, then,—

- (a) if it is proved that the summons was duly served, the Court may proceed *ex parte*;
- (b) if it is not proved that the summons was duly served, a second summons shall, unless the Court otherwise directs, be issued and served on the defendant at the expense of the plaintiff;
- (c) if it is proved that the summons was served on the defendant, but not in sufficient time to enable him to appear and answer on the day and at the hour fixed in the summons, the Court shall postpone the hearing of the suit to a future day, to be fixed by the Court, and shall direct notice of such day to be given to the defendant.

(2) Where it is owing to the plaintiff's default that the summons was not duly served or was not served in sufficient time, the Court shall, if it postpones the hearing, order the plaintiff to pay the costs occasioned by such postponement and may, if it considers the default to have been wilful, dismiss the suit.

101. Where the Court has adjourned the hearing of the suit *ex parte*, and the defendant, at or before such hearing, appears, he may, upon such terms as the Court directs as to costs or otherwise, be heard in answer to the suit as if he had appeared on the day and at the hour fixed in the summons for him to appear and answer.

102. Where, on the day and at the hour fixed in the summons for the defendant to appear and answer, the defendant appears and the plaintiff does not appear, the Court shall dismiss the suit, unless the defendant admits the claim, or part thereof, in which case the Court shall pass a decree against the defendant upon such admission, and, where part only of the claim has been admitted, shall dismiss the suit so far as it relates to the remainder.

103. (1) Where a suit is wholly or partially dismissed under section 102, the plaintiff shall be precluded from bringing a fresh suit in respect of the same cause of action; but he may apply for an order setting aside the dismissal, and, if it is proved that he was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall set aside the dismissal, upon such terms as to costs or otherwise as it thinks fit, and appoint a day for proceeding with the suit:

Provided that no order shall be made under this section unless the applicant has served

the opposite party with notice in writing of his application.

(2) Nothing in this section shall be deemed to limit or otherwise affect any remedy which a minor may seek, under the law for the time being in force, with regard to the total or partial dismissal of a suit owing to the fraud or gross negligence of his next friend.

104. Where a suit is instituted against a defendant residing out of British India who has no agent empowered to accept service, and, on the day and at the hour fixed in the summons for the defendant to appear and answer, or on any subsequent day and at the subsequent hour to which the hearing has been adjourned, the defendant does not appear, the plaintiff may apply to the Court for permission to proceed with his suit, and the Court may order that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as the Court thinks fit.

105. Where there are two or more plaintiffs and, on any such day and hour as aforesaid, all of them do not appear, the Court may, at the instance of the plaintiff or plaintiffs appearing, permit the suit to proceed in the same way as if all the plaintiffs had appeared, and make such order as it thinks fit.

106. Where there are two or more defendants and, on any such day and hour as aforesaid, all of them do not appear, the suit shall proceed, and the Court shall, at the time of delivering judgment, make such order as it thinks fit with respect to the defendant or defendants not appearing.

107. Where a plaintiff or defendant who has been ordered to appear in person under section 66 or section 436, does not appear in person or show sufficient cause to the satisfaction of the Court for failing so to appear, he shall be subject to all the provisions of the foregoing sections applicable to plaintiffs and defendants, respectively, who do not appear.

Setting aside of decrees ex parte.

108. (1) Where a decree is passed *ex parte* against a defendant, he or, if he is dead, his legal representative may apply to the Court by which the decree was passed for an order setting it aside.

(2) If the applicant satisfies the Court that the summons was duly served, or that he or his

*The Code of Civil Procedure, 1901.**(Part I.—Of Suits in General.—Chapter VIII.—Of Written Statements and Set-off.—Sections 110-114.)*

predecessor, as the case may be, was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order setting aside the decree in so far as it affects such defendant or his legal representative and any co-defendant associated with such defendant by reason of their being bound by a joint and indivisible relief, upon such terms as to costs, payment into Court or otherwise, as it thinks fit, and shall appoint a day for proceeding with the suit:

Provided that no order shall be made under this sub-section unless the applicant has served the opposite party with notice in writing of his application.

(3) Where a decree is set aside under sub-section (2) all processes in execution of it shall, to the extent to which it has been set aside, be deemed to be avoided:

Provided that no order made under this section shall avoid a sale of property made to a *bona fide* purchaser for value, unless such purchaser is the decree-holder.

CHAPTER VIII.

OF WRITTEN STATEMENTS AND SET-OFF.

110. (1) Where the summons has been issued for the settlement of issues only, the parties may, at any time before or at the first hearing of the suit, tender written statements of their respective cases and the Court shall receive such statements and place them on the record.

(2) Where the summons has been issued for the final disposal of the suit, no such written statement shall be tendered except by leave of the Court.

(3) Every written statement tendered under this section shall be liable to the court-fee payable by the law for the time being in force upon an application; and shall contain a statement of all the documentary evidence of every description which is in the possession or power of the party tendering it and upon which he intends to rely as essential to his case.

111. (1) Notwithstanding anything contained in section 110, the defendant may, by written statement tendered before or at the first hearing of the suit, but not afterwards except by leave of the Court, set-off against the claim of the plaintiff any right or claim, whether such set-off is for an unascertained amount of damages or not, and such set-off shall have the same effect as a plaint in a cross-suit so as to enable the Court to pronounce a final judgment in the same suit, both on the original and on the cross-claim; but the Court may, on the application of the plaintiff, before or at the first

hearing, refuse permission to the defendant to avail himself of any set-off which cannot be conveniently disposed of in the pending suit or ought not to be allowed.

(2) Where any set-off involves matter beyond the jurisdiction of the Court, such set-off shall not affect the competence or the duty of the Court to dispose of the whole matter in controversy, so far as relates to the demand of the plaintiff and the set-off of the defendant; but no relief either in excess of, or differing in kind from, that which the Court has jurisdiction to grant shall be granted to the defendant upon such set-off:

Provided that nothing in this section shall be deemed to preclude the defendant from instituting a suit in respect of any part of the right or claim which, having been pleaded by way of set-off, has been allowed by the Court, but upon which the Court is precluded by this sub-section from granting a relief.

(3) Where the defendant has set-off any right or claim and the suit is stayed, discontinued or dismissed, the set-off shall nevertheless be proceeded with; and where a set-off is established the Court may, if the balance between the claim set-off and the claim of the plaintiff is in favour of the defendant, pass a decree for the defendant for such balance or may otherwise adjudge to the defendant such relief as he may be entitled to upon the merits of the case:

Provided that the set-off shall not affect the lien upon the amount decreed of any pleader in respect of the costs payable to him under the decree.

112. Save as provided by section 111, no written statement shall be tendered after the first hearing of the suit:

Provided that the Court may at any time require a written statement, or an additional written statement, from any of the parties, and fix a time for tendering the same:

Provided, also, that a written statement, or an additional written statement, may, by leave of the Court, be tendered at any time for the purpose of answering a written statement so required and tendered.

113. Where any party from whom a written statement is required by the Court, fails to tender the same within the time fixed by the Court, the Court may pass a decree against him, or make such order in relation to the suit as it thinks fit.

114. (1) Every written statement shall be as brief as the nature of the case admits, and shall not be argumentative, but shall be confined as far as practicable to a simple narrative of the facts which the party by whom or on whose behalf it is

(Part I.—Of Suits in General.—Chapter VIII.—Of Written Statements and Set-off.—
Section 116. Chapter IX.—Of the Examination of the Parties by the Court.—
Sections 117-120.)—Chapter X.—Of Discovery and of the Admission, Inspection,
Production, Impounding and Return of Documents.—Section 121.)

tendered, believes to be material to the case, and which he either admits or believes he will be able to prove.

(2) Every such statement shall be divided into paragraphs, numbered consecutively and each containing as nearly as may be a separate allegation.

(3) Every such statement shall be signed and verified in the manner hereinbefore provided for the signing and verification of plaints, and no written statement shall be received, unless it is so signed and verified.

116. (1) Where it appears to the Court that any written statement, whether required by it or spontaneously tendered, is—
Rejection or amendment of argumentative, prolix or irrelevant written statement.

- (i) not signed and verified as required by section 114, sub-section (3), or
- (ii) does not state correctly and without prolixity the particulars of the case of the party tendering it, or
- (iii) is argumentative, or
- (iv) contains matter irrelevant to the suit,

the Court may amend it then and there, or may, by an order to be endorsed thereon, reject it, or return it to the party by whom it was tendered for amendment within a time to be fixed by the Court, imposing such terms as to costs or otherwise as the Court thinks fit.

Provided that a written statement shall not be amended, either by the party to whom it is returned for amendment or by the Court, so as to convert the case of the party tendering it into a case of another and inconsistent character.

(2) Where any amendment is made under this section, the Judge shall attest it by his signature.

(3) Where a written statement has been rejected under this section, the party tendering it shall not tender another written statement, unless it is expressly called for or allowed by the Court.

CHAPTER IX.

OF THE EXAMINATION OF THE PARTIES BY THE COURT.

117. (1) At the first hearing of the suit the Court shall ascertain from the defendant or his pleader whether he admits or denies the allegations of fact made in the plaint, and shall ascertain from each party or his pleader whether he ad-

mits or denies such allegations of fact as are made in the written statement (if any) of the opposite party, and as are not expressly or by necessary implication admitted or denied by the party against whom they are made.

(2) Every admission or denial so ascertained shall be recorded or caused to be recorded by the Court

118. At the first hearing of the suit, or at any subsequent hearing, any party appearing in person or present in Court, or any person able to answer any material question relating to the suit by whom such party or his pleader is accompanied, may be examined orally by the Court: and the Court may, if it thinks fit, put in the course of such examination any question suggested by either party.

119. The substance of every examination made under section 118 shall be reduced to writing by, or under the personal direction and superintendence of, the Judge in accordance with the provisions of Chapter XV with respect to the taking down of the evidence of witnesses, and shall form part of the record of the suit.

120. (1) Where the pleader of any party who appears by a pleader, refuses or is unable to answer any material question relating to the suit which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the suit to a future day and direct that such party shall appear in person on such day.

(2) Where such party fails without lawful excuse to appear in person on the day so appointed, the Court may pass a decree against him, or make such order in relation to the suit as it thinks fit.

CHAPTER X.

OF DISCOVERY AND OF THE ADMISSION, INSPECTION, PRODUCTION, IMPOUNDING AND RETURN OF DOCUMENTS

121. Any party may at any time, by leave of the Court, deliver through the Court interrogatories in writing for the examination of the opposite party, or, where there are two or more opposite parties, of any one or more of such parties, with a note at the foot thereof stating which of such interrogatories each of such persons is required to answer:

For s. 115, see clause 114 (3).

The Code of Civil Procedure, 190

(Part I.—Of Suits, in General.—Chapter X.—Of Discovery and of the Admission, Inspection, Production, Impounding and Return of Documents.—Sections 121A-128.)

Provided that no party shall, except by leave of the Court deliver more than one set of interrogatories to the same person, and that no defendant shall deliver interrogatories for the examination of the plaintiff unless such defendant has previously tendered a written statement and such statement has been received and placed on the record:

Provided also that interrogatories which do not relate to any matter in question in the suit, shall be deemed to be irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.

121A. On an application for leave to deliver interrogatories under section 121, the particular interrogatories proposed to be delivered shall be submitted to the Court; and, in deciding upon the application, the Court shall take into account any offer made by the party sought to be interrogated to deliver particulars or to make admissions or to produce documents relating to the matters in question or any of them; and leave shall be granted as to such only of the interrogatories submitted as the Court considers necessary either for disposing fairly of the suit or for saving costs.

122. Interrogatories delivered under section 121 shall be served on the pleader (if any) of the party interrogated or in the manner hereinbefore provided for the service of summons and the provisions of sections 70, 80, 81, 82 and 83 shall, so far as they are applicable, be deemed to apply.

123. The Court, in adjusting the costs of the suit, shall, at the instance of any party, inquire, or cause inquiry to be made, into the propriety of any interrogatories delivered; and if it thinks that such interrogatories have been delivered unreasonably, vexatiously or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be borne by the party in fault.

124. Where any party to a suit is a body corporate or a joint stock company, whether incorporated or not, or any other body of persons empowered by law to sue or be sued, whether in its own name or in the name of any officer or other person, any opposite party may apply to the Court for an order allowing him to deliver interrogatories to any member or officer of such corporation, company or body, and an order may be made accordingly.

125. Any party called upon to answer interrogatories, whether by himself or by any such member or officer, may, in the affidavit referred to in section 126, refuse to answer any interrogatory on the ground that it is scandalous or irrelevant, or is not put in good faith for the purposes of the suit, or that the matter inquired into is not sufficiently material at that stage of the suit, or on any other like ground.

125A. (1) At any time within seven days after the service of interrogatories as provided by section 122, the party sought to be interrogated may apply to the Court to set aside any interrogatory on the ground that it has been exhibited unreasonably or vexatiously, or that it is prolix, oppressive, unnecessary or scandalous.

(2) An interrogatory shall not be set aside under this section merely because it is intended to supply a defect in pleading which the Court would be competent to remedy by the exercise of the powers conferred on it by section 112 or section 146; but the Court shall be bound to set aside any interrogatory delivered for the purpose of eliciting facts bearing upon any matter in issue between the parties to the suit, if the object of such interrogatory is one to which the procedure prescribed by sections 133, sub section (2), and 131C is applicable.

126. Interrogatories shall be answered by affidavit to be filed in Court within ten days from the service thereof or within such further time as the Judge may allow.

127 Where any person interrogated omits or refuses to answer, or answers insufficiently, any interrogatory, the party interrogating may apply to the Court for an order requiring him to answer or to answer further, as the case may be; and an order may be made requiring him to answer or to answer further, either by affidavit or by oral examination, as the Judge may direct:

Provided that the Judge shall not require an answer to any interrogatory which in his opinion need not have been answered under section 125.

128. (1) Either party may, by a notice through the Court, within a reasonable time not less than ten days before the hearing, require the other party to admit, saving all just exceptions to the admissibility of such document in evidence, the genuineness of any document material to the suit.

(2) Where such notice is not given, the costs of proving such document shall not, unless the Court otherwise directs, be allowed.

(Part I.—Of Suits in General.—Chapter X.—Of Discovery and of the Admission, Inspection, Production, Impounding and Return of Documents. —Sections 129-134B.)

(3) Where such notice is given and is not complied with within four days from the service thereof, and the Court thinks it reasonable that the admission should have been made, the party refusing shall bear the expense of proving such document, whatever may be the result of the suit.

(4) Every admission made under this section shall be in writing signed by the other party or his pleader, and shall form part of the record of the suit.

129. (1) The Court may, at any time during the pendency therein of any suit, order any party to the suit to declare by affidavit all the documents which are or have been in his possession or power relating to any matter in question in the suit, and any party to the suit may, at any time before the first hearing, apply to the Court for such an order:

Provided that no such order shall be made where and in so far as the Court is of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.

(2) Every affidavit made under this section shall specify which (if any) of the documents therein mentioned the declarant objects to produce, together with the grounds of his objection.

130. The Court may, in its discretion, at any time during the pendency therein of any suit, order the production by any party thereto of such of the documents in his possession or power relating to any matter in question in such suit as the Court thinks fit; and the Court may deal with such documents when produced in such manner as appears just.

131. (1) Any party to a suit may at any time, before or at the hearing thereof, give notice through the Court to any other party to produce any specified document for the inspection of the party giving such notice or of his pleader, and to permit such party or pleader to take a copy thereof.

(2) No party failing to comply with such notice shall afterwards be at liberty to put any such document in evidence on his behalf in the suit, unless he satisfies the Court that such document relates only to his own title, or that he had some other and sufficient cause for not complying with the notice.

(3) A defendant shall be entitled under this section to an order for the inspection of any document referred to in the plaint, even though he has not yet filed a written statement.

132. Any party to a suit served with notice under section 131 shall, within ten days from the service thereof, deliver

through the Court to the party giving the same a notice stating a time, within three days from such delivery, at which the documents, or such of them as he does not object to produce, may be inspected at his pleader's office or some other convenient place, and stating which (if any) of the documents he objects to produce, and on what grounds.

133. (1) Where any party to a suit served Application for order with notice under section 131 omits to deliver notice under section 132 of the time for inspection, or objects to give inspection, or names an inconvenient place for inspection, the Court may, on the application of the party desiring it, make an order for inspection at such place and in such manner as it thinks fit:

Provided that such an order shall not be made where and in so far as the Court is of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.

(2) Save in the case of documents referred to in the plaint, written statement or affidavit of the party against whom the application is made, or disclosed in his affidavit of documents, such application shall be founded upon an affidavit showing—

- of what documents inspection is sought,
- that the party applying is entitled to inspect them, and
- that they are in the possession or power of the party against whom the application is made:

Provided that an order for inspection shall not be made where and in so far as the Court is of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.

134A. Where the inspection of any business books is applied for, the Court may, if it thinks fit, instead of ordering inspection of the original books, order a copy of any entries therein to be furnished and verified by the affidavit of some person who has examined the copy with the original entries, and such affidavit shall state whether or not there are in the original book any and what erasures, interlineations or alterations:

Provided that, notwithstanding that such copy has been supplied, the Court may order inspection of the book from which the copy was made.

134B. Where on an application for an inspection by Court order for inspection under section 133 privilege is claimed for any document, the Court may inspect the document for the purpose of deciding as to the validity of the claim of privilege.

The Code of Civil Procedure, 190 .

(Part I—Of Suits in General.—Chapter X.—Of Discovery and of the Admission, Inspection, Production, Impounding and Return of Documents.—Sections 134C-140.)

134C. (1) The Court may, on the application of any party, at any time and whether an affidavit of documents has or has not already been ordered or made, make an order requiring any other party to state by affidavit

Power to call for affidavit with regard to documents alleged to be or to have been in party's possession.

whether any document, to be specified in the application, is or has at any time been in his possession or power and, if not then in his possession, when he parted with, and what has become of, it.

(2) Every application under this section shall be made on an affidavit stating that, in the belief of the declarant, the party against whom the application is made, has, or has at some time had, in his possession or power the document specified in the application, and that it relates to the matters in question in the suit, or to some of them.

135. Where the party from whom discovery

Power to order issue or question on which right to discovery depends to be first determined.

of any kind or inspection is sought objects to the same or to any part thereof, and the Court is satisfied that the right to such discovery or inspection depends on the determination of any issue or question in dispute in the suit, or that on any other reason it is desirable that any such issue or question should be determined before deciding upon the right to the discovery or inspection, the Court may order that the issue or question be determined first and reserve the question as to the discovery or inspection.

135A. (1) Where a right to apply for

Applications for discovery, etc., between co-plaintiffs or co-defendants or against several plaintiffs.

discovery or for the admission, inspection or production of documents is given by this Chapter, it may be exercised as between parties arrayed on the same side either as plaintiffs or as defendants, if there are matters to be adjusted between them in the suit.

(2) Where there are several plaintiffs and an application for the exercise by the defendant of any such right has been granted, the plaintiffs shall all, unless the Court is satisfied that there is good reason to the contrary, be bound to join in the affidavit (if any) required by this Chapter.

136. (1) Where any party fails to comply with

Consequences of failure to answer or give inspection.

any order under this Chapter to answer interrogatories or for discovery, production or inspection, which has been duly served, he shall be liable, if a plaintiff, to have his suit dismissed for want of prosecution, and, if a defendant, to have his defence (if any) struck out and to be placed in the same position as if he had not appeared and answered; and the party interrogating or seeking discovery, production or in-

spection may apply to the Court for an order to that effect, and the Court may make such an order accordingly.

(2) Any party failing to comply with an order under this Chapter to answer interrogatories or for discovery, production or inspection, which, has been served upon him personally, shall also, be deemed guilty of an offence under section 189 of the Indian Penal Code.

136A. The provisions of the foregoing sec-

Provisions of Chapter to apply to minors, lunatics, etc.

tions of this Chapter shall, so far as they are applicable, be deemed to apply to minor parties and to parties of unsound mind and to their next friends and guardians for the suit.

NLV of 1860. [New. Cf. O. xxxi, r. 20.]

137. (1) The Court may of its own motion,

Power of Court to send for papers from its own records or from other Courts.

and may in its discretion upon the application of any of the parties to a suit, send for, either from its own records or from any other Court, the record of any other suit or proceeding, and inspect the same.

(2) Every application made under this section shall, unless the Court otherwise directs, be supported by the affidavit of the applicant or of his pleader, showing how the record is material to the suit in which the application is made, and that the applicant cannot, without unreasonable delay or expense, obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires, or that the production of the original is necessary for the purposes of justice.

(3) Nothing in this section shall be deemed to enable the Court to use in evidence any document which under the Indian Evidence Act, 1872, would be inadmissible in the suit.

of 1372.

138. (1) The parties or their pleaders shall pro-

Production of documentary evidence.

duce at the first hearing of the suit all the documentary evidence of every description in their possession or power, on which they intend to rely as essential to their respective cases, and which has not already been filed in Court, and all documents which the Court at any time before such hearing has ordered to be produced.

(2) The Court shall receive the document so produced:

[40-51]

Provided that the documents produced by each party are accompanied by an accurate list thereof prepared in such form as the High Court may from time to time direct.

(3) No documentary evidence in the possession or power of any party which should have been, but has not been, produced in accordance with the provisions of sub-section (1), shall be received at any subsequent stage of the proceed-

[139.]

*The Code of Civil Procedure, 190 .**(Part I.—Of Suits in General.—Chapter X.—Of Discovery and of the Admission, Inspection, Production, Impounding and Return of Documents.—Sections 141--144.)*

ings unless, for reasons to be recorded, the Court considers its admission, on such terms as to costs or otherwise as it thinks fit, to be necessary for the ends of justice.

140. "2." (4) The Court may at any stage of the suit reject any document which it considers irrelevant or otherwise inadmissible, recording or causing to be recorded the grounds of such rejection.

by VII of 1888, s. 13.] **141.** (1) Subject to the provisions of sub-section (2), there shall be endorsed on every document admitted in evidence in a suit—

- (a) the number and title of the suit,
- (b) the name of the person producing the document,
- (c) the date on which it was produced, and
- (d) a statement of its having been so admitted;

and the endorsement shall be signed by the Judge.

(2) Where a document so admitted is an entry in a book, account or record, and a copy thereof has been substituted for the original under section 141A, the particulars aforesaid shall be endorsed on the copy and the endorsement shall be signed by the Judge.

(3) Where the provisions of sub-section (1) cannot for any reason be carried out, the Court shall mark the document for identification in such manner as it thinks fit.

[Amended by VII of 1888, s. 18.] **141A.** (1) Where a document admitted in evidence in a suit is an entry in a shop-book or other account in current use, the party on whose behalf the account is produced, may furnish a copy of the entry.

(2) Where such a document is an entry in a public record produced from a public office or by a public officer, or an entry in a book or account belonging to a person other than a party on whose behalf the book or account is produced, the Court may require a copy of the entry to be furnished,—

- (a) where the record, book or account is produced on behalf of a party, then by that party, or
- where the record, book or account is produced in obedience to an order of the Court acting of its own motion, then by either or any party.

(3) Where a copy of an entry is furnished under this section, the Court shall, after causing the copy to be examined, compared and attested in the manner prescribed by section 62, mark the

For s. 139 see clause 138 (3), and for s. 140 see clause 138 (2), (4).

entry and cause the book, account or record in which it occurs to be returned to the person producing it.

142. Where a document relied on as evidence by either party is considered by the Court to be inadmissible in evidence, there shall be endorsed thereon the particulars mentioned in section 141, sub-section (1), clauses (a), (b) and (c), together with a statement of its having been rejected, and the endorsement shall be signed by the Judge.

142A. (1) Every document admitted in evidence, or a copy thereof where a copy has been substituted for the original under section 141A, shall form part of the record of the suit.

(2) Documents not admitted in evidence shall not form part of, and shall not be placed on, the record, but shall, as soon as rejected, be returned to the parties respectively producing them.

143. Notwithstanding anything contained in section 62, section 141A, sub-section (1), or section 142A, sub-section (2), the Court may, if it sees sufficient cause, direct any document or book produced before it in any suit to be impounded and kept in the custody of an officer of the Court, for such period and subject to such conditions as the Court thinks fit.

144. (1) Any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record, shall, unless the document is impounded under section 143, be entitled to receive back the same,—

- (a) if the suit is one in which an appeal is not allowed, when the suit has been disposed of, and.
- (b) if the suit is one in which an appeal is allowed, when the time for preferring an appeal has elapsed or, if an appeal has been preferred, when the appeal has been disposed of:

Provided that a document may be returned at any earlier time if the person applying therefor delivers to the proper officer a certified copy to be substituted for the original:

Provided also that no document shall be returned which, by force of the decree, has become void or useless.

(2) On the return of a document admitted in evidence a receipt shall be given by the party receiving it in a receipt book to be kept for the purpose.

The Code of Civil Procedure, 190 .

(Part I.—Of Suits in General.—Chapter X.—Of Discovery and of the Admission, Inspection, Production, Impounding and Return of Documents.—Section 145.
Chapter XI.—Of the Settlement of Issues.—Sections 146-151.)

145. The provisions herein contained as to documents shall, so far as they are applicable, be deemed to apply to all other material objects capable of being produced as evidence.

Provisions as to documents applied to material objects.

CHAPTER XI.

OF THE SETTLEMENT OF ISSUES.

146. (1) Issues arise when a material proposition of fact or of law is affirmed by the one party and denied by the other.

Framing of issues.

(2) Each material proposition affirmed by the one party and denied by the other shall form the subject of a distinct issue.

(3) Issues are of two kinds : (a) issues of fact and (b) issues of law.

(4) At the first hearing of the suit the Court shall, after reading the plaint and the written statements (if any), and after such examination of the parties as may appear necessary, ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record or cause to be recorded the issues on which the right decision of the case appears to the Court to depend.

(5) Where issues both of fact and of law arise in the same suit and the Court is of opinion that the case may be disposed of on the issues of law only, it shall try those issues first, and for that purpose may, if it thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

(6) Nothing in this section shall be deemed to require the Court to frame and record or cause to be recorded issues when the defendant at the first hearing of the suit makes no defence.

Explanation.—Material propositions are those propositions of fact or of law which a plaintiff must allege in order to show a right to sue.

147. The Court may frame the issues from all or any of the following materials, namely :—

Allegations from which issues may be framed.

(a) the allegations made on oath by the parties, or by any persons present on their behalf, or made by the pleaders of such parties or persons ;

(b) the allegations made in the plaint or in the written statements (if any) tendered in the suit, or in answer to interrogatories delivered in the suit ;

(c) the contents of the documents produced by either party.

148. Where the Court is of opinion that the issues cannot be correctly framed without the examination of some person not before the Court, or without the inspection of some document not produced in the suit, it may adjourn the framing of the issues to a future day, to be fixed by the Court, and may, subject to the provisions of the Indian Evidence Act, 1872, by summons or other process, compel the attendance of any person or the production of any document by the person in whose hands it is.

149. (1) The Court may, at any time before passing a decree, amend the issues or frame additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the matters in controversy between the parties shall be so made or framed, but not so as to convert a suit of one character into a suit of another and inconsistent character.

(2) The Court may also, at any time before passing a decree, strike out any issues which appear to it to have been wrongly framed or introduced.

150. Where the parties to a suit are agreed as to the question of fact or of law to be decided between them, they may state the same in the form of an issue, and enter into an agreement in writing that, upon the finding of the Court in the affirmative or in the negative of such issue,—

(a) a sum of money specified in the agreement, or to be ascertained by the Court or in such manner as the Court may direct, shall be paid by one of the parties to the other, or one of the parties shall be declared entitled to some right or subject to some liability specified in the agreement ; or

(b) some property specified in the agreement and in dispute in the suit shall be delivered by one of the parties to the other or as that other may direct ; or

(c) one or more of the parties shall do or abstain from doing some particular act specified in the agreement and relating to the matter in dispute.

151. (1) Where the Court is satisfied, after making such inquiry as it thinks fit,—

(a) that an agreement entered into under section 150 was duly executed by the parties,

(b) that they have a substantial interest in the decision of such question as aforesaid, and

The Code of Civil Procedure, 190 .

(Part I.—Of Suits in General.—Chapter XII.—Disposal of the Suit at the first Hearing.—Sections 152-155. Chapter XIII.—Of Adjournments.—Sections 156-158. Chapter XIV.—Of the Summoning and Attendance of Witnesses.—Section 159.)

(c) that the same is fit to be tried and decided,

it may proceed to record and try the issue and state its finding or other decision thereon in the same manner as if the issue had been framed by the Court: and may upon the finding or other decision on such issue, deliver judgment according to the terms of the agreement.

(2) Upon judgment so delivered, a decree shall follow and may be executed in the same way as if the judgment had been delivered in a contested suit.

CHAPTER XII.

DISPOSAL OF THE SUIT AT THE FIRST HEARING.

152. Where at the first hearing of a suit it appears that the parties are not at issue on any question of fact or of law, the Court may at once deliver judgment.

153. Where there are two or more defendants and any one of them is not at issue with the plaintiff on any question of fact or of law, the Court may at once deliver judgment for or against such defendant, and the suit shall proceed against the other defendants only.

154. (1) Where the parties are at issue on some question of fact or of law and issues have been framed by the Court as herebefore provided, if the Court is satisfied that no further argument or evidence than the parties can at once supply is required upon such of the issues as may be sufficient for the decision of the suit, and that no injustice will result from proceeding with the suit forthwith, the Court may proceed to determine such issues, and, if the finding thereon is sufficient for the decision, may deliver judgment accordingly, whether the summons has been issued for the settlement of issues only or for the final disposal of the suit:

Provided that, where the summons has been issued for the settlement of issues only, the parties or their pleaders are present and none of them object.

(2) Where the finding is not sufficient for the decision, the Court shall postpone the further hearing of the suit, and shall fix a day for the production of such further evidence, or for such further argument, as may be necessary.

155. Where the summons has been issued for the final disposal of the suit and either party fails to produce evidence, and either party fails, without sufficient cause, to produce the evidence on which he relies, the Court may at once deliver judgment, or may, if it thinks fit, after framing and recording issues

under section 146, adjourn the suit for the production of such evidence as may be necessary for its finding or other decision upon such issues.

CHAPTER XIII.

OF ADJOURNMENTS.

156. (1) The Court may, if sufficient cause is shown, at any stage of the hearing and costs thereof, allow time to the parties or to any of them, and may from time to time adjourn the hearing of the suit.

(2) In every such case, the Court shall fix a day and an hour for the further hearing of the suit, and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

Provided that, when the hearing of evidence has once begun, the hearing of the suit shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court, for reasons to be recorded by or by direction of the Judge, finds the adjournment of the hearing to be necessary.

157. (1) Where, on the day and at the hour Procedure where to which the hearing of parties fail to appear, the suit is adjourned, the parties or any of them fail to appear, the Court may proceed to dispose of the suit in one of the modes directed in that behalf by Chapter VII, or may make such other order as it thinks fit.

(2) Where the Court disposes of the suit in one of the modes directed in that behalf by Chapter VII, the parties shall be entitled to all the remedies and shall be subject to all the consequences which would apply or follow if the order had been made under the terms of the said Chapter.

158. Where any party to a suit to whom time has been allowed, fails to produce his evidence, or to cause the attendance of his witnesses, or to perform any other act necessary for the further progress of the suit, for which time has been allowed, the Court may, notwithstanding such default, proceed to decide the suit forthwith.

CHAPTER XIV.

OF THE SUMMONING AND ATTENDANCE OF WITNESSES.

159. The parties may, when or at any time after the summons is delivered or sent for service on the defendant, whether it is for the settlement of issues only or for the final disposal of the suit, obtain, on application to

[Amended by V 1888, s.]

*The Code of Civil Procedure, 190 .**(Part I.—Of Suits in General. Chapter XIV.—Of the Summons and Attendance of Witnesses.—Sections 160-165.)*

the Court or to such officer as the Court may appoint in this behalf, before the day fixed for such settlement or disposal, as the case may be, summonses to persons whose attendance is required either to give evidence or to produce documents :

Provided, first, that the Court may, for reasons to be recorded, refuse to issue any summons where it considers that the application for such summons has been made for the purpose of vexation or delay or to defeat the ends of justice :

Provided, secondly, that where any witness has been summoned but has failed to attend, and such failure is due to any default of the party summoning him in applying for the summons, or in complying with any of the provisions of section 163 and section 162 on the subject of the payment of expenses, or in furnishing any of the particulars required by section 163 to be specified in a summons, within a time affording a reasonable prospect of service before the hearing, the Court shall not adjourn the hearing for the attendance of such witness or issue a fresh summons for such attendance unless it is satisfied that such adjournment or fresh summons is necessary for the ends of justice : and

Provided, thirdly, that an order refusing to adjourn or to issue a fresh summons for the attendance of a witness shall not be called in question in appeal or otherwise unless the party aggrieved by such order satisfies the Court that he has been materially prejudiced thereby in regard to the merits of the case.

160. (1) Every party applying for a summons shall, before the summons is granted and within a period to be fixed by the Court, pay into Court such a sum of money as appears to the Court to be sufficient to defray the travelling and other expenses of the person summoned in passing to and from the Court in which he is required to attend, and for one day's attendance, and, in the case of any person summoned to give evidence as an expert, reasonable remuneration for the time occupied both in giving evidence and in performing any work of an expert character necessary for the case.

(2) Where the Court is subordinate to a High Court, it shall, in fixing the scale of such expenses, have regard to the rules (if any) laid down by competent authority.

161 Every sum paid into Court under section 160 shall be tendered to the person summoned at the time of service, where the summons can be served personally.

162. (1) Where it appears to the Court or to such officer as the Court may appoint in this behalf that the sum paid into Court under section 63 is not sufficient to cover the expenses referred to therein, the Court may—

- (a) direct such further sum to be paid to the person summoned as appears to be necessary on that account, and, in case of default in payment, order such sum to be levied by attachment and sale of the moveable property of the party obtaining the summons ; or
- (b) discharge the person summoned without requiring him to give evidence ; or
- (c) both order such levy and discharge such person as aforesaid.

(2) Where it is necessary to detain the person summoned for a longer period than one day, the Court may, from time to time,—

- (a) order the party at whose instance he was summoned to pay into Court such sum as is sufficient to defray the expenses of his detention for such further period, and, in default of such deposit being made, order such sum to be levied by attachment and sale of the moveable property of such party ; or
- (b) discharge the person summoned without requiring him to give evidence ; or
- (c) both order such levy and discharge such person as aforesaid.

163. Every summons for the attendance of a person to give evidence or to produce a document shall specify the time and place at which he is required to attend, and also whether his attendance is required for the purpose of giving evidence or producing a document, or for both purposes ; and any particular document which the person summoned is called on to produce, shall be described in the summons with reasonable accuracy.

164. Any person may be summoned to produce a document without being summoned to give evidence ; and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

165. Any person present in Court may be required by the Court to give evidence or to produce any document then and there in his actual possession or power.

(Part I.—Of Suits in General.—Chapter XIV.—Of the Summoning and Attendance of Witnesses.—Sections 165A-170A.)

(171.) **165A.** Subject to the provisions of this Code

Court may of its own accord summon as witnesses strangers to suit. as to attendance and appearance and to the provisions of the Indian Evidence

Act, 1872, where the Court at any time thinks it necessary to examine any person other than a party to the suit and not named as a witness by a party to the suit, the Court may, of its own motion, cause such person to be summoned as a witness to give evidence, or to produce any document in his possession, and may examine him as a witness or require him to produce such document.

166. (1) Every summons to a person to give evidence or produce a document shall be served as nearly as may be in the manner hereinbefore prescribed for the service of summons on the defendant; and the provisions of Chapter VI as to proof of service shall apply in the case of every summons served under this section.

(2) The service shall in every case be made so long before the time specified in the summons for the attendance of the person summoned as to allow him a reasonable interval for preparation and for travelling to the place at which his attendance is required.

167A. Subject to the provisions of this Code as to appearance and attendance and to the provisions of the Indian Evidence Act, 1872, who-

ever is summoned to appear and give evidence in a suit, shall attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document shall either attend to produce it, or cause it to be produced, at such time and place.

168. (1) Where a person for whose attendance, either to give evidence or to produce a document, a summons has been issued, fails to attend in compliance with such summons, the Court shall, if the certificate of the serving officer has not been verified by affidavit, and may, if it has been so verified, examine the serving officer on oath, or cause him to be so examined by another Court, touching the service or non-service of the summons.

(2) Where the Court sees reason to believe that such evidence or production is material, and that such person has, without lawful excuse, intentionally failed to attend in compliance with such summons or has knowingly avoided service, it shall ordinarily issue a proclamation requiring him to attend to give evidence or produce the document at a time and place to be named therein; and a copy of

such proclamation shall be affixed on the outer door or other conspicuous part of the house in which he ordinarily resides.

(3) In lieu of or at the time of issuing such proclamation, or at any time afterwards, the Court may, in its discretion, issue a warrant, either with or without bail, for the arrest of such person, and may make an order for the attachment of his property to such amount as it thinks fit, not exceeding the amount of the costs of attachment and of the fine which may be imposed under section 169, sub-section (2).

Provided that no Court of Small Causes shall make an order under this section for the attachment of immoveable property.

Explanation.—For the purposes of this section, non-payment or non-tender of a sum sufficient to defray the expenses referred to in sections 160 and 162 shall, save in the case of a person summoned by the Court under section 165A, be deemed to be a lawful excuse.

169. (1) Where the person whose attendance is required, appears at any time after the attachment of his property and satisfies the Court—

(a) that he did not, without lawful excuse, intentionally fail to comply with the summons or knowingly avoid service, and,

(b) where he has failed to attend at the time and place named in a proclamation issued under section 168, that he had no notice of such proclamation in time to attend,

the Court shall direct that his property be released from attachment and make such order as to the costs of the attachment as it thinks fit.

(2) Where such person does not appear, or, appearing, does not satisfy the Court as aforesaid, the Court may impose upon him such fine, not exceeding five hundred rupees, as it thinks fit, having regard to his condition in life and all the circumstances of the case, and may order his property, or any part thereof, to be attached and sold, or, if already attached under section 168, to be sold, for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of the said fine (if any):

Provided that, where such person pays into Court the costs and fine as aforesaid, the Court shall order the property to be released from attachment.

170A. Where any process has been issued under the provisions of sections 168 and 169, any court-fees or other like expenses which would have

Payment of court-fees upon processes issued under sections 168 and 169.

For s. 167 see clause 166 (2).

For s. 170 see clause 166 (2).

The Code of Civil Procedure, 190 .

(Part I.—Of Suits in General.—Chapter XIV.—Of the Summoning and Attendance of Witnesses—Sections 170B-178. Chapter XV.—Of the Hearing of the Suit and Examination of Witnesses.—Sections 178A-179.)

been leviable from a party if the process had been issued at his instance, shall be paid by such party or other person as the Court may direct either in the decree or by separate order whether before or after the decree; and, in case of default in payment, the Court may order the sum to be levied by attachment and sale of the moveable property of the party or other person.

[New.]

170B. The provisions of sections 266 to 285 with regard to the attachment of property in the execution of a decree shall, so far as they are applicable, be deemed to apply to any attachment under this Chapter as if the person whose property is so attached were a judgment-debtor; and, save as provided by section 283, no separate suit shall be maintained to establish a right claimed to such property in dispute.

173. (1) Every person summoned and attending to give evidence or to produce a document shall remain in attendance until—

(a) he has been examined or has produced the document, as the case may be, and the Court has risen, or

(b) he has obtained the leave of the Court to depart.

(2) On the application of either party and the payment into Court of all necessary expenses (if any), the Court may require any person so summoned and attending to enter into his recognizances to attend at the next or any other hearing or until the suit is disposed of.

[174, first para., & 175.]

(3) Whoever, having attended in compliance with a summons to give evidence or to produce a document, departs, without lawful excuse, in contravention of this section, the provisions of sections 168, 169 and 170B shall, so far as they are applicable, be deemed to apply to him.

[174, last para.]

174. Where any person arrested under a warrant, with or without bail, is brought before the Court in custody and cannot, owing to the absence of the parties or any of them, give the evidence or produce the document which he has been summoned to give or produce, the Court may either remand him in custody or require him to give reasonable bail or other security for his appearance at such time and place as it thinks fit, and, on such bail or security being given, may release him.

For s. 171 see clause 165A, ante; for s. 172 see clause 167A; and for s. 175 see clause 173 (3).

176. No one shall be bound to attend in person to give evidence or to be examined in any Court unless he resides—

Attendance of witnesses in person.

(a) within the local limits of the ordinary original jurisdiction of the Court, or

(b) without such limits and at a place less than fifty or, where there is railway communication for five-sixths of the distance between the place where he resides and the place where the Court is situate, two hundred miles distance from the court-house.

177. Where any party to a suit present in Court refuses, without lawful excuse, when required by the Court, to give evidence or to produce any document then and there in his actual possession or power, the Court may, in its discretion, either pass a decree against him, or make such order in relation to the suit as it thinks fit.

178. Where any party to a suit is required to give evidence or to produce a document, the provisions of this Code as to witnesses shall, so far as they are applicable, be deemed to apply to him.

Refusal of party to give evidence when required by Court.

CHAPTER XV.

OF THE HEARING OF THE SUIT AND EXAMINATION OF WITNESSES.

178A. (1) The plaintiff shall have the right to begin, unless the defendant admits such of the facts alleged by the plaintiff as would, if unrebutted, entitle the plaintiff to a decree, but contends that, either in point of law or on some additional facts alleged by the defendant, the plaintiff is not entitled to any part of the relief which he seeks, in which case the defendant shall have the right to begin.

(2) Where the defendant raises a preliminary issue of law involving, if decided in his favour, the dismissal of the suit or so much of it as is in dispute, and the Court directs such preliminary issue to be separately determined, the defendant shall have the right to begin, notwithstanding that he has not admitted the facts alleged by the plaintiff save for the sake of argument upon such preliminary issue.

179. (1) On the day fixed for the hearing of the suit or on any subsequent day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

Statement of case and production of evidence.

(Part I.—Of Suits in General.—Chapter XV.—Of the Hearing of the Suit and Examination of Witnesses.—Sections 181-189.)

[180 as amended by VII of 1895, s. 2.]

(2) The other party shall then state his case and produce his evidence (if any) and may then address the Court generally on the whole case.

(3) The party beginning may then reply generally on the whole case.

(4) The party beginning may, where there are several issues the burden of proving some of which lies on the other party, at his option, either produce his evidence on those issues or reserve it by way of answer to the evidence produced by the other party. In the latter case the party beginning may produce evidence on those issues after the other party has produced all his evidence, and the other party may then reply specially on the evidence so produced by the party beginning; but the party beginning shall then be entitled to reply generally on the whole case.

181. The evidence of the witnesses in attendance shall be taken orally in open Court in the presence, and under the personal direction and superintendence, of the Judge.

182. In cases in which an appeal is allowed, the evidence of each witness shall, save as provided by section 189, be taken down in writing, in the language of the Court, by or in the presence and under the personal direction and superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over in the presence of the Judge and of the witness, and also in the presence of the parties or their pleaders, and, if the witness admits it to be correct, shall be signed by him, and the Judge shall, if necessary, correct the same, and shall sign it.

183. Where the evidence is taken down under section 182 in a language different from that in which it is given, and the witness does not understand the language in which it is taken down, the evidence as taken down in writing shall be interpreted to him in the language in which it is given.

184. (1) Where the evidence is not taken down in writing by the Judge, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what each witness deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record of the suit.

(2) Where the Judge is unable to make such a memorandum, he shall cause the reason

to be recorded and the memorandum to be made in writing from his dictation in open Court.

185. Where the evidence of a witness is given in English, the Judge may take it down in that language with his own hand, and, unless the parties appearing in person or the pleaders of the parties appearing by pleaders are familiar with English or the language of the Court is English, an authenticated translation of such evidence in the language of the Court shall form part of the record of the suit.

185A. (1) The Local Government may, by notification in the local official Gazette, direct, with respect to any Judge specified in the notification or falling under a description set forth therein, that evidence in cases in which an appeal is allowed shall, instead of being taken down in the manner prescribed in the foregoing sections, be taken down by him with his own hand in the English language. The Local Government may, by a like notification, revoke or vary any direction so made.

(2) Where a Judge is prevented by any sufficient reason from complying with a direction under sub-section (1), he shall cause the reason to be recorded and the evidence to be taken down in writing from his dictation in open Court.

(3) Evidence taken down under sub-section (1) or sub-section (2) shall be in the form mentioned in section 182, and shall be read over and signed, and, as occasion may require, interpreted and corrected, as if it were evidence taken down under that section.

186. The Court may, of its own motion or on the application of any party or his pleader, take down, or cause to be taken down, any particular question and answer, or any objection to any question, if there appears to be any special reason for so doing.

187. Where any oral evidence is admitted or excluded upon objection taken, the Court shall note or cause to be noted upon the record the fact of such objection, if it considers the matter of sufficient importance to weigh with any superior Court in the exercise of any appellate or revisional jurisdiction.

188. The Court may record such remarks as it thinks material respecting the demeanour of any witness while under examination.

189. (1) In cases in which an appeal is not allowed, and in all other cases or classes of cases with respect to which the Court or the Judge

*The Code of Civil Procedure, 1901.**Part I.—Of Suits in General.—Chapter XV.—Of the Hearing of the Suit and Examination of Witnesses.—Sections 191-193A.—Chapter XVI.—Of Affidavits.—Sections 194-195.)*

as been specially empowered in this behalf by the Local Government, acting on the recommendation and with the concurrence of the High Court, it shall not be necessary to take down the evidence of the witnesses in writing at length; but the Judge, as the examination of each witness proceeds, shall make, either in the language of the Court or in English, a memorandum of the substance of what each witness deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record.

(2) Where the Judge is unable to make such a memorandum, he shall cause the reason to be recorded and the memorandum to be made in writing from his dictation in open Court.

191. (1) Where the Judge taking down evidence taken down by another Judge. Power to deal with any evidence, or causing any memorandum to be made, under this Chapter is prevented by death, transfer or other cause from concluding the trial of the suit, any successor to such Judge may deal with such evidence or memorandum as if he himself had taken it down or caused it to be made, and proceed with the suit from the stage at which his predecessor left it.

(2) The provisions of sub-section (1) shall, so far as they are applicable, be deemed to apply to a suit transferred under section 25:

Provided that a Court transferring a suit under that section may, if it thinks fit, direct that the Court to which the suit is transferred, shall recall all or any of the witnesses who have been examined, and take their evidence afresh.

192. (1) Where a witness is about to leave the jurisdiction of the Court, or witness immediately. other sufficient cause is shown to the satisfaction of the Court why his evidence should be taken immediately, the Court may, on the application of either party or of the witness, at any time after the institution of the suit, take the evidence of such witness in manner hereinbefore provided.

(2) Where such evidence is not taken forthwith and in the presence of the parties, such notice of the day and hour fixed for the examination as the Court thinks sufficient, shall be given to the parties.

(3) The evidence taken under this section shall be read over to the witness, and, if he admits it to be correct, shall be signed by him, and the Judge shall, if necessary, correct the same, and shall sign it, and it may then be read at any hearing of the suit.

193. (1) The Court may, at any stage of the Court may recall and suit, recall any witness who has been examined and who has not departed in accordance with the provisions of section 173, and may, subject to the provisions of the Indian Evidence Act, 1872, put such questions to him as it thinks fit. [Amended by VII of 1888. s. 19.]

(2) A Court continuing a suit under section 191 may recall and re-examine a witness who has departed in accordance with the provisions of section 173.

193A. Where a witness is required to give Evidence given in evidence in two or more connected or similar suits, the Court may, in its discretion, direct that he shall be examined once only and that one record of such examination shall be made in accordance with the provisions of this Chapter; and the evidence so recorded shall be evidence in each of the suits, and the record thereof or a duly certified copy shall form part of the record of each: [New.]

Provided that the parties in each of the suits shall be entitled to exercise, so far as may be, all such rights as they might have exercised, under this Code or any other enactment or rule of law for the time being in force, if such witness had been separately examined in the said suit:

Provided, also, that the judgment in each suit shall be based upon facts declared, by the law of evidence for the time being in force to be relevant to the said suit and to have been duly proved.

CHAPTER XVI.

OF AFFIDAVITS.

194. Any Court of first instance and any appellate Court may, at any point to be proved by affidavit. Power to order any affidavit. order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the Court thinks reasonable:

Provided that, where it appears to the Court that either party in good faith desires the production of a witness for cross-examination and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit.

1. (1) Upon any application evidence may be given by affidavit but the Court may, at the instance of either party, order the attendance for cross-examination of the declarant. Evidence by affda. Court may, at the instance of either party, order the attendance for cross-examination of the declarant.

(2) Such attendance shall, unless the declarant is exempted from personal appearance in Court or the Court otherwise directs, be in Court.

*The Code of Civil Procedure, 1901.**(Part I.—Of Suits in General.—Chapter XVI.—Of Affidavits.—Sections 195-197.
Chapter XVII.—Of Judgment and Decree.—Sections 198-203.)*

196. (1) Affidavits shall be confined to such matters to which facts as the declarant is able to prove, except on interlocutory applications, on which statements of his belief may be admitted, provided that reasonable grounds therefor are set forth.

(2) The costs of every affidavit which unnecessarily sets forth matters of hearsay, or argumentative matter, or copies of or extracts from documents, shall, unless the Court otherwise directs, be paid by the party producing the same.

197. In the case of any affidavit under this Code—
Oath by whom to be administered to declarant.

- (a) any Court or Magistrate, or
 - (b) any officer appointed by a High Court in this behalf, or
 - (c) any officer appointed by any other Court which the Local Government has generally or specially empowered to make such appointments,
- may administer the oath to the declarant.

CHAPTER XVII.**OF JUDGMENT AND DECREE.**

198. (1) Save as otherwise provided by this Code or by any local or special law for the time being in force, the judgment in every suit in a Civil Court of original jurisdiction shall be written, or caused to be written, in the language of the Court or in English.

(2) Save as aforesaid, the judgment shall be delivered—

- (a) in open Court either immediately after the termination of the hearing, or at some subsequent time of which notice has been given, orally or otherwise, as the Court may direct, to the parties or their pleaders, and
 - (b) in the language of the Court or in English.
- (3) No judgment delivered by any Civil Court shall be deemed to be invalid by reason only of—
- (i) the writing of such judgment in a language other than that prescribed by this section; or
 - (ii) the absence of any party or his pleader at the time notified for its delivery; or
 - (iii) any omission to give, or defect in giving, the parties, or their pleaders, or any of them, notice of such time and place:

Provided that nothing in this section shall be deemed to limit or otherwise affect the extent of the provisions of section 578.

199. A Judge may deliver a judgment written, or caused to be written, by his predecessor, but not delivered.

199A. (1) Where, at the time fixed for the delivery of the judgment, the judgment is already in writing, it shall be delivered either by pronouncing the whole of such judgment or by explaining its substance:

Provided that, on the oral or written application of any of the parties or their pleaders at the time of delivery, the Judge shall be bound to pronounce the whole of the judgment.

(2) Upon delivery of judgment in the manner prescribed by sub-section (1), the Judge shall forthwith sign and date it in open Court.

(3) Where the judgment is not already in writing, it shall be delivered by being pronounced and the Court shall cause a note thereof to be taken down in writing or in short-hand at the time of delivery.

(4) The note so taken down shall be written out fully and shall be submitted to the Court and, after the Judge has made any corrections necessary to bring it into conformity with the judgment delivered, it shall be signed by the Judge, and shall have the dates of delivery and of signature entered upon it, and shall be deemed to be the judgment of the Court.

201. Where the judgment is written in any language other than that of the Court, it shall, if any of the parties so requires, be translated at the expense of such party into the language of the Court, and the translation shall be signed by the Judge or by such officer as the Judge may appoint in this behalf.

202. When the judgment has been delivered, it shall not be altered or added to, save to correct a verbal or arithmetic error, or to supply some accidental defect not affecting a material part of the case, or on review.

203. (1) The judgment of a Court of Small Causes need not contain more than the points for determination and the decision thereupon.

(2) The judgment of every other Court shall contain—

- (a) a concise statement of the case;
- (b) the points for determination;
- (c) the decision thereon; and
- (d) the reasons for such decision.

(3) In a suit in which issues have been framed the Court shall state its finding or other decision.

For s. 200, see clause 198, ante.

*The Code of Civil Procedure, 1901.**(Part I.—Of Suits in General.—Chapter XVII.—Of Judgment and Decree.—Sections 203A-207.)*

with the reasons therefor, upon each separate issue, unless the finding or other decision upon any one or more of the issues is sufficient for the decision of the suit.

203A. (1) Where connected or similar questions of fact or of law arise in two or more suits, the Court may, in its discretion, give in detail its decision, with the reasons therefor, upon each or any of such questions in the judgment in one of such suits only.

(2) Where and in so far as the Court acts under sub-section (1), it shall be sufficient if any judgment wholly or partly governed by the decision so given in detail contains a clear reference to such decision:

Provided that the judgment is based upon facts declared by the law of evidence for the time being in force to be relevant to the suit and to have been duly proved.

205. (1) As soon as may be after judgment has been delivered, a decree, which shall agree with the judgment, shall be drawn up in the language of the Court or in English.

(2) The decree shall bear date the day on which the judgment was delivered, and such day shall be deemed to be the date of the decree within the meaning of article 142 of the second schedule to the Indian Limitation Act, 1877.

(3) Where any party to the suit is represented by a pleader, such pleader or, where such party is represented by more than one pleader, any one of such pleaders shall be required to sign the decree:

Provided that a decree shall not be deemed to be invalid merely because it does not bear the signature of any such pleader; but, in such case, the reason for such omission shall be certified on the decree.

(4) When the Judge has satisfied himself that the decree agrees with the judgment and that the requirements mentioned in sub-section (3) with regard to the signatures of pleaders have been complied with, he shall sign the decree, and the date of so signing shall be entered thereon.

205A. Where a Judge has vacated office after delivering judgment but without signing the decree, a decree drawn up in agreement with such judgment may be signed by his successor or, if the Court has ceased to exist, by any Judge to whom such Court was subordinate or to whom that class of business to which the decree belongs, has been transferred.

206. The decree shall contain—
Contents of decree.

(a) the number of the suit;

(b) the names and descriptions of the parties;

(c) the particulars of the claim;

(d) where issues have been framed in the suit, the issues material to the passing of the decree, together with the findings or other decisions thereon;

(e) a clear specification of the relief granted or other adjudication made, whether such relief or other adjudication is preliminary to a final decree or concludes the suit; and

(f) the amount of the costs incurred in the suit, including any costs given under section 218 at the time of disposing of an application, and the parties by whom, and the proportions in which, such costs are to be paid.

206A. (1) Subject to the provisions of sections 210 and 257A, when a decree has been signed by the Judge, it shall not be altered or added to, otherwise than in the exercise of any appellate or revisional jurisdiction, save to remove a variance with the judgment, or to correct any verbal or arithmetical error, or to supply an accidental defect not affecting a material part of the decree.

(2) Where a variance or an error or a defect of the nature specified in sub-section (1) is found in a decree, the Court, shall, subject to the provisions of sub-section (3), of its own motion or on the application of any of the parties, amend the decree in so far as may be necessary to remove such variance or to correct such error or to supply such defect:

Provided, always, that reasonable notice of the proposed amendment has been given to the parties or their pleaders.

(3) No period of limitation shall be deemed to apply to the amendment of a decree under this section; but the Court shall not make any amendment which, by reason of its affecting the rights of third parties or for any like cause, appears to it to be inequitable.

(4) No appeal shall lie from an order amending a decree under this section; but a Court altering or adding to a decree otherwise than is permitted by this Code shall be deemed, within the meaning of section 622, sub-section (2), clause (c), to have acted in contravention of an express provision of law materially affecting the decision on the merits, and to have produced a serious miscarriage of justice.

207. Where the subject-matter of the suit is immoveable property, and such property is identified by boundaries or by numbers in a record of settlement or survey, the decree shall specify such boundaries or numbers.

*The Code of Civil Procedure, 190 .**(Part I.—Of Suits in General.—Chapter XVII.—Of Judgment and Decree.—Sections 208-214.)*

208. Where the suit is for moveable property and the decree is for the delivery of such property, the decree shall also state the amount of money to be paid as an alternative, if delivery cannot be had.

[Amended
by VII of
1888, s. 20
(1).]
IV of 1882.

209. (1) Where and in so far as a decree (not having been passed under section 86 or under section 88 of the Transfer of Property Act, 1882,) is for the payment of money, the Court, in addition to any interest adjudged on the principal sum for any period prior to the institution of the suit, may in the decree order interest to be paid at the rate of the interest so adjudged or, for reasons to be recorded, at such rate or rates as it considers equitable,—

(a) upon such principal sum from the date of such institution to the date of the decree, and

(b) upon the aggregate sum so adjudged, from the date of the decree to the date of payment or to such earlier date as it thinks fit.

(2) Where and in so far as such a decree is silent with respect to the payment of further interest on such aggregate sum as aforesaid from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest, and a separate suit therefor shall not lie.

210. (1) Where and in so far as a decree (not being a decree for the enforcement of a mortgage,) is for the payment of money, the Court may for any sufficient reason order that payment of the amount shall be postponed or shall be made by instalments, with or without interest

(2) After the passing of any decree of the kind referred to in sub-section (1), the Court may, in its discretion, on the application of the judgment-debtor, order that payment of the amount decreed shall be postponed, or shall be made by instalments, on such terms as to the payment of interest, the attachment of the property of the defendant, or the taking of security from him, or otherwise, as it thinks fit.

211. (1) Where a suit is for the recovery of possession of immoveable property yielding rent or other profit, the Court may pass a preliminary decree for the property, providing therein for the payment of rent or mesne profits in respect of such property from the institution of the suit until—

(a) the delivery of possession to the party in whose favour the decree is made, or

(b) relinquishment of possession by the defendant with notice to the plaintiff through the Court, or

(c) the expiration of three years from the date of the decree,

whichever event first occurs, with interest thereupon at such rate as the Court thinks fit.

(2) The inquiry into the amount of such rent or mesne profits shall be deemed to be a proceeding in continuation of the suit, and a final decree shall be drawn up in respect thereof.

212. Where a suit is for the recovery of possession of immoveable property and for mesne profits prior to institution of suit, the Court may either determine the amount by the decree itself, or may pass a preliminary decree for the property and inquire, in continuation of the suit, into the amount of mesne profits, and dispose of the same in a final decree.

213. (1) Where a suit is for an account of any property and for its due administration under the decree of the Court, the Court shall, before passing the final decree, pass a preliminary decree ordering such accounts and inquiries to be taken and made, and giving such other directions, as it thinks fit.

(2) In the administration by the Court of the property of any person who dies after the commencement of this Code, if such property proves to be insufficient for the payment in full of his debts and liabilities, the same rules shall be observed as to the respective rights of secured and unsecured creditors and as to debts and liabilities proveable, and as to the valuation of annuities and future and contingent liabilities respectively, as may be in force for the time being with respect to the estates of persons adjudged insolvent; and all persons who in any such case would be entitled to be paid out of such property, may come in under the decree for its administration, and make such claims against the same as they may respectively be entitled to by virtue of this Code.

214. Where a suit is to enforce a right of pre-emption in respect of a particular sale of property, and the Court finds for the plaintiff, if the amount of purchase-money has not been paid into Court, the decree shall specify a day on or before which it shall be so paid, and shall declare that on payment of such purchase-money, together with the costs (if any) decreed against him, the plaintiff shall obtain possession of the property, but that if such money and costs are not so paid the suit shall stand dismissed with costs.

The Code of Civil Procedure, 1901.

(Part I.—Of Suits in General.—Chapter XVII.—Of Judgment and Decree.—Sections 215-217.—Chapter XVIII.—Of Costs.—Sections 218-222A.)

215. Where a suit is for the dissolution of a partnership, the Court, before passing a final decree, may pass a preliminary decree fixing the day on which the partnership shall stand dissolved, and directing such accounts to be taken, and other acts to be done, as it thinks fit.

215A. Where a suit is for an account of pecuniary transactions between a principal and agent, and in any other suit not hereinbefore provided for, where it is necessary, in order to ascertain the amount of money due to or from any party, that an account should be taken, the Court shall, before passing its final decree, pass a preliminary decree directing such accounts to be taken as it thinks fit.

[New.]

215B. (1) Where the Court passes a decree in suit for the partition of an undivided estate assessed and liable as such to the payment of undivided revenue to the Government or for the separate possession of a share therein, the decree shall declare the rights of the several parties interested in the property, and shall direct such partition or separation to be made by the Collector or by any gazetted subordinate of the Collector in accordance with such rights and with the provisions of section 265.

(2) In any other case of partition of immoveable property or separation of a share therein the Court may, if the partition or separation cannot be conveniently made without further inquiry, pass a preliminary decree declaring the rights of the several parties interested in the property and deciding whether the partition or separation to be made in accordance with such rights is to be made by the Court itself or by a commissioner appointed under the provisions of section 396.

Amended by II of 1883, 21.] **216. (1)** Where the defendant is allowed a set-off against the claim of the plaintiff, the decree shall state what amount is due to the plaintiff and what amount (if any) is due to the defendant, and shall be for the recovery of any sum which appears to be due to either party.

(2) The decree of the Court, with respect to any sum so awarded to the defendant, shall have the same effect, and be subject to the same rules in respect of appeal or otherwise, as if such sum had been claimed by the defendant in a separate suit against the plaintiff.

(3) This section shall be deemed to apply whether the set-off is admissible under section 111 or otherwise.

217. Certified copies of the judgment and decree shall be furnished to the parties on application to the Court and at their expense.

CHAPTER XVIII.

OF COSTS.

218. When disposing of any application under this Code, the Court may give to either party the costs of such application, or may reserve the consideration of such costs for any future stage of the proceedings.

219. The judgment shall direct by whom the costs of each party, or any part or proportion thereof, are or is to be paid, whether by the party himself or by any other party to the suit.

220. (1) The Court shall have full power to give and apportion the costs of every application and suit in such manner as it thinks fit, and the fact that the Court has no jurisdiction to try a case shall be no bar to the exercise of such power:

Provided that, where the Court directs that the costs of any application or suit shall not follow the event, it shall record its reasons or cause them to be recorded.

(2) No separate suit shall lie for the recovery of costs awardable under this Code; but every order relating to such costs and not forming part of a decree may be executed as if it were a decree for the payment of money, and if proceedings to enforce such order have not been taken and payment of the costs awarded therein has not been made, the order shall be included in, and form part of, the final decree in the suit.

221. The Court may direct that the costs payable to one party by another shall be set-off against a sum which is admitted or is found in the suit to be due from the former to the latter.

222. The Court may give interest on costs at any rate not exceeding six per cent. per annum, and may direct that costs, with or without interest, be paid out of, or charged upon, the subject-matter of the suit.

222A. (1) Save as provided by sub-sections (2) and (3), the order of the Court giving or refusing costs or interest thereon shall be final.

[New.]

(2) An appeal on a matter of costs only shall lie from an order or decree giving or refusing costs where such order or decree is appealable under this Code and involves a question, not of the mere exercise of discretion, but of the principle upon which costs may be given or refused. The order of the Appellate Court upon such appeal shall, subject to the provisions of sub-section (3), be final.

*The Code of Civil Procedure, 190 .**(Part I.—Of Suits in General.—Chapter XIX.—Of the Execution of Decrees.—Sections 223-223C.)*

(3) Where an appeal is made on other grounds from any order or decree appealable under this Code, the parties shall, in respect of any order as to costs included therein and forming part thereof, have the same rights of appeal and objection as they have in respect of such other grounds.

CHAPTER XIX.

OF THE EXECUTION OF DECREES.

Courts by which decree may be executed.

[223, § 1.]

223. A decree may be executed either by Court by which decree may be executed. the Court which passed it, or by the Court to which it is sent for execution under the provisions hereinafter contained.

[New.]

223A. (1) Save for the purpose of rateably distributing, under section 295, assets realized by sale or otherwise in execution of a decree by a Court of competent jurisdiction, no Court, unless specially empowered in this behalf by or under this Code or any other law for the time being in force, shall execute a decree which, by reason of the value or the nature of the suit at the time of its institution, it would have been incompetent to pass.

(2) The Court which passed a decree for the enforcement of a mortgage against immoveable property included therein, shall have power to order the sale of any such immoveable property, wherever the same may be situate.

(3) Where, after the passing of a decree in a suit for the enforcement of a mortgage, the whole of the immoveable property included therein falls, by transfer of jurisdiction, within the local limits of the jurisdiction of another Court, the decree may be executed either by the Court which passed the decree, or by the Court within the local limits of whose jurisdiction the immoveable property falls by such transfer.

(4) Save as provided by sub-sections (2) and (3), no Court shall have power to execute a decree in which the subject-matter of the suit or application for execution is property situate entirely outside the local limits of its jurisdiction.

(5) Where immoveable property attached in execution of a decree for the payment of money forms one estate comprised within the local limits of the jurisdiction of two or more Courts, any one of such Courts may order the sale of the entire estate upon such conditions as it may consider reasonable and necessary for the prevention of a conflict of orders.

(6) Where two or more Courts have jurisdiction under this section, the decree-holder may apply to any one of such Courts to execute his decree.

(7) The judgment-debtor may apply to the Court in which the execution proceedings are pending, and to no other, to transfer the decree for execution to another Court having jurisdiction; but such application shall not be granted unless the judgment-debtor satisfies the Court that he will suffer substantial injury if the decree is not transferred, and the order of the Court granting or refusing such application shall be final.

223B. Upon the application of the decree-holder, the Court which passed a decree may, before sending it for execution, issue a precept to any other Court, which would be competent to execute such decree, to attach and hold under attachment any property belonging to the judgment-debtor and specified in the precept.

223C. (1) Subject to the provisions of section 223A, the Court which passed a decree may, on the application of the decree-holder, send it for execution to another Court,—

- (a) where the person against whom the decree is passed, actually and voluntarily resides or carries on business, or personally works for gain, within the local limits of the jurisdiction of such other Court, or
- (b) where such person has not property within the local limits of the jurisdiction of the Court which passed the decree, sufficient to satisfy the decree, and has property within the local limits of the jurisdiction of such other Court, or
- (c) where the decree directs the sale of immoveable property situate outside the local limits of the jurisdiction of the Court which passed it, or
- (d) where the Court which passed the decree, considers, for any other reason to be recorded, that, the decree should be executed by such other Court.

(2) The Court which passed a decree may, of its own motion, send it for execution to any Court subordinate thereto.

(3) The Court to which a decree is sent under this section for execution, shall certify to the Court which passed the decree, the fact of such execution, or, where it fails to execute the decree, the circumstances attending such failure.

(4) Where a decree is passed in a suit of which the value as set forth in the plaint does not exceed two thousand rupees, and which, as regards its subject-matter, is not excepted by the law for the time being in force from the cognizance of either a Presidency or a Provincial Court of Small Causes, the Court which passed it, may send to the Court of Small Causes in Calcutta, Madras, Bombay or Rangoon, as the case may

*The Code of Civil Procedure, 1901.**(Part I.—Of Suits in General.—Chapter XIX.—Of the Execution of Decrees.—Sections 224-228.)*

be, the copies and certificate required by section 224, clauses (a), (b) and (c); and such Court of Small Causes shall thereupon, on application duly made under section 235, execute the decree as if it had been passed by itself.

(5) The Court which passed a decree, may send it direct for execution to any other Court in the same district.

(6) Where the Court to which the decree is to be sent for execution, is situate in another district, the Court which passed it, shall send it to the District Court of such other district:

Provided that the Court which passed a decree may, for reasons to be recorded, send it direct for execution to a Court subordinate to the District Court of another district; and no such order of transfer and no proceeding taken thereunder shall be set aside or varied in appeal or otherwise for failure to send the decree to the District Court or to record reasons as hereinbefore required, unless the party calling in question such order or proceeding shows to the satisfaction of the Court that, by reason of such failure, he has suffered substantial injury.

(7) Nothing in this section shall be deemed to preclude a Court which passed a decree in the exercise of one jurisdiction, from executing such decree in the exercise of another jurisdiction, notwithstanding that no proceeding or order for transferring such decree has been recorded.

224. (1) The Court sending a decree for execution under section 223 shall, after satisfying itself that the application is not, *prima facie*, barred by the law of limitation for the time being in force, send—

- Procedure in connection with transfer of decree for execution.
- (a) a copy of the decree;
 - (b) a certificate setting forth that satisfaction of the decree has not been obtained by execution within the jurisdiction of the Court by which it was passed, or, where the decree has been executed in part, the extent to which satisfaction has been obtained and what part of the decree remains unexecuted;
 - (c) a copy of the last application made in accordance with law to the proper Court to execute or take some step in execution of the decree; and
 - (d) a copy of any subsisting order for the execution of the decree, including any such order made under section 248, and, if no such order has been made, a certificate to that effect.

(2) The Court to which a decree is so sent for execution, shall cause such copies and certificate to be filed, without any further proof of the decree or order for execution, or of the copies

thereof, or of the jurisdiction of the Court which passed it, unless for special reasons to be recorded by or under the personal direction and superintendence of the Court to which the decree is sent, such further proof appears to be necessary.

220. When the copies and certificate required Execution of decree by section 224 are filed, by Court to which it is the decree—transferred.

(a) may, where the Court to which it is sent for execution is the District Court, be executed by such Court or, subject to the provisions of section 223A, by any subordinate Court which it directs to execute the same; and

(b) shall where, the Court to which it is sent for execution is a High Court, be executed by such Court in the same manner as if it had been passed by it in the exercise of its ordinary original civil jurisdiction.

228 (1) The Court executing a decree sent to Powers of Court in it under this Chapter for executing transferred execution shall, so far as may be necessary for the execution thereof, have the same powers as if the decree had been passed by itself.

(2) Every person disobeying or obstructing the execution of the decree shall be punishable by such Court in the same manner, and its order in executing the decree shall be subject to the same rules in respect of appeal, as if the decree had been passed by itself.

(3) Such Court shall have no power to entertain any objection relating to the amount stated in the certificate to be due under the decree, or, save for the purpose of ascertaining under section 234, sub-section (2), the extent of the liability of the legal representative of a deceased judgment-debtor, any objection relating to the right of the decree-holder to execute the decree; and, upon any such objection being raised before it, the Court shall stay execution under section 239 and shall refer the matter for decision to the Court which passed the decree, unless, for reasons to be recorded in writing, it considers such objection to be groundless and to be made for the purpose of obstruction and delay.

(4) Where the Court executing a decree sent to it under this Chapter for execution is of opinion that the decree should be transferred to another Court for execution, and that unreasonable delay would be occasioned by returning it to the Court which passed the decree, it may, on such terms as it considers reasonable, transfer the decree direct to such other Court, and such order shall be deemed

For s. 223 see clause 224 (2), and for s. 227 see clause 226 (b).

*The Code of Civil Procedure, 190 .**(Part I.—Of Suits in General.—Chapter XIX.—Of the Execution of Decrees.—Sections 229-231.)*

for all purposes, including further transfers to be the order of the Court which passed the decree.

[Amended by VII of 1888, s. 23.]

229. Any decree passed by a Civil Court established in any part of British India to which the provisions of this Chapter do not extend, or of any Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State, may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in manner herein provided within the jurisdiction of any Court in British India.

[Transposed by VII of 1888, s. 39 (1).]

229B. The Governor General in Council may, by notification in the Gazette of India, declare that the decrees passed by any Civil or Revenue Courts situate in the territories of any Native Prince or State in alliance with His Majesty and not established or continued by the authority of the Governor General in Council, or any class of such decrees, may be executed in British India as if they had been passed by the Courts of British India.

[Added by VII of 1881, s. 24.]

229A. So much of the foregoing provisions of this Chapter as empowers a Court to send a decree for execution to another Court shall be construed as empowering a Court in British India to send a decree for execution to any Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State to which the Governor General in Council has, by notification in the Gazette of India, declared this section to apply.

Application for execution of decree.

[Amended by VII of 1888, s. 25.]

230. (1) When the holder of a decree desires to have it executed he shall apply for execution to the Court which passed the decree or to the officer (if any) appointed in this behalf, or, where the decree has been sent under this Chapter for execution to another Court, then to such Court or to the proper officer thereof.

(2) The Court may, in its discretion, refuse execution at the same time against the person and against property of the judgment-debtor, and its order shall be final.

(3) Where an application for the execution of a decree—

(a) for the payment of money or the delivery of other property, or

(b) for the sale of property in a suit for the enforcement of a mortgage, or

(c) rendering the judgment-debtor personally liable if the decretal amount cannot be realised from mortgaged property,

has been made under this section, and

(d) an order for execution is made, either without or after the notice referred to in section 248, or

(e) the decree-holder, on objection taken by the judgment-debtor, abandons, otherwise than for failure to comply with the requirements referred to in section 245, the further prosecution of his application,

no subsequent order for the execution of the same decree shall be made upon any fresh application after the expiration of twelve years from—

(f) the date of the decree sought to be enforced or of the decree (if any) on appeal affirming the same, or,

(g) where the decree or any subsequent order directs the payment of any money or the delivery of any property to be made at a certain date or at recurring periods, the date of the default in making the payment or delivery in respect of which the applicant seeks to enforce the decree.

(4) Nothing in this section shall be deemed to—

(a) preclude the Court from ordering the execution of a decree after the expiration of the said term of twelve years, where the judgment-debtor has, by fraud or force, prevented the execution of the decree at some time within twelve years immediately before the date of the application; or

(b) to limit or otherwise affect the operation, of article 180 of the second schedule to the Indian Limitation Act, 1877.

Explanation.—For the purposes of this section an order sending a decree to another Court for execution shall be deemed to be an order for execution.

231. (1) Where a decree is passed jointly in favour of two or more persons, any one or more of such persons, or his or their representatives, may, unless the decree imposes any condition to the contrary, apply—

(a) for the execution of the whole decree for the benefit of them all, or, where any of them has died, for the benefit of the survivors and the representatives in interest of the deceased; or

(b) for the execution of the decree to the extent of his or their interest therein.

*The Code of Civil Procedure, 1901.**(Part I.—Of Suits in General.—Chapter XIX.—Of the Execution of Decrees.—Sections 232-236.)*

(2) Where the Court sees sufficient cause for allowing the decree to be executed on an application made under sub-section (1), it shall pass such order as it deems necessary for protecting the interests of the other decree-holders, or of the judgment-debtor, or of both.

232. Where a decree, or, if a decree has been passed jointly in favour of two or more persons, the interest of any decree-holder in the decree, is transferred by assignment in writing or by operation of law, the transferee may apply for execution of the decree to the Court which passed it; and, if that Court thinks fit, the decree may be executed in the same manner and subject to the same conditions as if the application were made by such decree-holder:

Provided, first, that, where the decree or interest as aforesaid has been transferred by assignment, notice in writing of such application shall be given to the transferor and the judgment-debtor and the decree shall not be executed until the Court has heard their objections (if any) to its execution:

Provided, also, that, where a decree for the payment of money against two or more persons has been transferred to one of them, it shall not be executed against the others, and, where an interest in such a decree has been so transferred, it shall not be executed against the others to the extent of such interest.

233. Every transferee of a decree shall hold the same subject to the equities (if any) which the judgment-debtor might have enforced against the original decree-holder.

234. (1) Where a judgment-debtor dies before the decree has been fully executed, the holder of the decree may apply to the Court which passed it, for the execution of the same against the legal representative, or against the estate, of the deceased.

(2) Where the decree is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and, for the purpose of ascertaining such liability, the Court executing the decree may, of its own motion or on the application of the decree-holder, compel such legal representative to produce such accounts as it thinks fit.

(3) The death of a judgment-debtor before the decree has been fully executed shall not be deemed to affect the validity, as against his legal representative or estate, of any proceeding lawfully taken during his lifetime.

235. (1) Every application for the execution of a decree shall be in writing, verified by the applicant or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case, and shall contain in a tabular form the following particulars, namely:—

- (a) the number of the suit;
- (b) the names of the parties;
- (c) the date of the decree;
- (d) whether any appeal has been preferred from the decree and, if so, whether and how it has been decided;
- (e) whether any, and (if any) what, payment or other adjustment of the matter in dispute such as the Court executing the decree is bound by law to recognise has been made between the parties subsequently to the decree;
- (f) whether any, and (if any) what, previous applications have been made for the execution of the decree, the dates of such applications and their results;
- (g) the amount of the debt or compensation, with the interest (if any) due upon the decree, or other relief granted thereby, together with particulars of any cross-decree, whether passed before or after the date of the decree sought to be enforced;
- (h) the amount of the costs (if any) awarded;
- (i) the name of the person against whom the execution of the decree is sought; and
- (j) the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, by the arrest and imprisonment of the person named in the application, or by the attachment of his property, or otherwise as the nature of the relief sought may require.

(2) Every such application shall be accompanied by a certified copy of the decree sought to be executed.

236. Where an application is made for the attachment of any moveable property belonging to a judgment-debtor but not in his possession, the decree-holder shall annex to the application an inventory of the property to be attached, containing a reasonably accurate description of the same.

*The Code of Civil Procedure, 1901.***(Part I.—Of Suits in General.—Chapter XIX.—Of the Execution of Decrees.—Sections 237-244.)**

237. (1) Where an application is made for the attachment of any immoveable property belonging to a judgment-debtor, it shall contain at the foot a description of the property sufficient to identify it, and also a specification of the judgment-debtor's share or interest therein to the best of the belief of the applicant and so far as he has been able to ascertain the same.

(2) Every such description and specification shall be verified in the manner hereinbefore provided for the verification of plaints.

238. Where an application is made for the attachment of any land which is registered in the office of the Collector, it shall be accompanied by a certified extract from the register of such office, specifying the persons registered as proprietors of, or as possessing any transferable interest in, the land or its revenue, or as liable to pay revenue for the land, and the shares of the registered proprietors.

Stay of execution.

239. (1) The Court to which a decree has been sent under this Chapter for execution, shall, upon sufficient cause being shown, stay the execution of the decree for a reasonable time to enable the judgment-debtor to apply to the Court which passed the decree, or to any Court having appellate jurisdiction in respect of the decree or the execution thereof, for an order to stay the execution, or for any other order relating to the decree or the execution thereof which might have been made by the Court which passed the decree, or by such appellate Court if execution had been issued thereby or if an application for execution had been made thereto.

(2) Where the property or the person of the judgment-debtor has been seized in execution of a decree, the Court which issued the execution, may order the restitution or discharge of such property or person pending the result of the application for an order under sub-section (1).

(3) Before making an order under this section for the stay of execution or the restitution or discharge of the property or person of the judgment-debtor, the Court may require such security from, or impose such conditions upon, the judgment-debtor as it thinks fit, and such conditions may be enforced, on the application of the decree-holder, in the manner herein provided for the execution of decrees.

(4) No order under this section for the restitution or discharge of the property or person of the judgment-debtor shall preclude such property or person from being retaken in execution of the decree sent for execution.

242. Any order of the Court which passed a decree, or of such Appellate Court as aforesaid, in relation to the execution of the decree, shall be binding upon the Court to which the decree is sent under this Chapter for execution.

243. Where a suit is pending in any Court against the holder of a decree of such Court, on the part of the person against whom the decree was passed, the Court may, if it thinks fit, stay the execution of the decree, either absolutely or on such terms as it thinks fit, until the pending suit has been decided; and such terms may be enforced, on the application of the decree-holder, in the manner herein provided for the execution of decrees.

Questions to be determined by Court executing decree.

244. (1) The following questions shall be determined by order of the Court executing a decree and not by separate suit, namely :—

- (a) questions regarding the amount of interest which the decree has made payable in respect of the subject-matter of a suit between the date of its institution and the execution of the decree or the expiration of three years from the date of the decree;
- (b) any other questions arising between the parties to the suit in which the decree was passed, or their representatives, or between any party and a purchaser at a sale held in execution of the decree, and relating to the execution, discharge or satisfaction of the decree or to the stay of the execution thereof.

(2) Where any question arises as to who is the representative of a party for the purposes of this section, the Court may either stay the execution of the decree until the question has been determined by a separate suit or itself determine the question by an order under this section.

Explanation I.—For the purposes of this section, "representative" shall be deemed to include any transferee of the judgment-debtor's interest who, so far as such interest is concerned, is bound by the decree.

Explanation II.—For the purposes of this section, an objection made by a party to the decree or by his legal representative to the effect that property is held by him by a right or title not rendering it liable to attachment in execution of such decree is a question arising between the parties.

For ss. 240 and 241 see clause 239 (3), (4).

*The Code of Civil Procedure, 1900**(Part I.—Of Suits in General.—Chapter XIX.—Of the Execution of Decrees.—Sections 245-246.)*

Explanation III.—An objection to a sale of property in execution of a decree on the ground of fraud is a question to be determined exclusively under this section, even though the purchaser was no party to the decree.

Mode of executing decrees.

245. (1) The Court, on receiving an application for the execution of a decree, shall, after satisfying itself that the application is not *prima facie* barred by the law of limitation for the time being in force, ascertain whether such of the requirements of sections 235, 236, 237 and 238 as may be applicable to the case have been complied with; and, if they have not been complied with, the Court may reject the application, or may allow it to be amended then and there or within a time to be fixed by it.

(2) Where the Court allows an application to be amended under sub-section (1), the application shall not be deemed to be in accordance with law until it is presented with such amendments as the Court may have required, and, if not so amended, shall be rejected.

(3) Every amendment made under this section shall be attested by the signature of the Judge.

(4) When the application is admitted, the Court shall enter in the register of civil suits a note of the application and the date on which it was made, and shall, subject to the provisions hereinafter contained, proceed to the execution of the decree according to the nature of the application:

Provided that, in the case of a decree for the payment of money, the value of the property attached shall, as nearly as may be, correspond with the amount for which the decree has been passed.

(5) Every application made in good faith and admitted under this section shall be deemed to be in accordance with law, within the meaning of article 179 of the second schedule to the Indian Limitation Act, 1877, even though it is eventually dismissed by the Court after hearing the parties.

(6) Nothing in this section shall be deemed to preclude the Court from allowing at any time, upon such conditions as to the payment of costs as may appear to it to be reasonable, any amendment not converting the application into one of another and inconsistent character.

245A. Notwithstanding anything in section 245 or in any other section of this Code, the Court shall not order the arrest or imprisonment of a woman in execution of a decree for the payment of money.

245B. (r) Notwithstanding anything in section 245 or in any other section of this Code, where an application is for the execution of a decree for the payment of money by the arrest and imprisonment of a judgment-debtor who is liable to be arrested in pursuance of the application, the Court may, instead of issuing a warrant for his arrest, issue a notice calling upon him to appear before the Court on a day to be specified in the notice and show cause why he should not be committed to prison in execution of the decree.

(2) Where appearance is not made in obedience to a notice issued under sub-section (1), the Court shall, if the decree-holder so requires, issue a warrant for the arrest of the judgment-debtor.

246. (1) Where application is made to a Court for the execution of cross-decrees for the payment of two sums of money passed between the same parties and capable of execution at the same time by such Court, then,—

(a) if the two sums are equal, satisfaction shall be entered upon both decrees; and,

(b) if the two sums are unequal, execution may be taken out only by the holder of the decree for the larger sum and for so much only as remains after deducting the smaller sum, and satisfaction for the smaller sum shall be entered on the decree for the larger sum as well as satisfaction on the decree for the smaller sum.

(2) This section shall be deemed to apply where either party is an assignee of one of the decrees and as well in respect of judgment-debts due by the original assignor as in respect of judgment-debts due by the assignee himself.

Explanation:—A decree obtained against the assignor in a suit pending at the date of the assignment is within this sub-section, if the assignee had notice of such suit.

(3) This section shall not be deemed to apply unless—

(a) the decree-holder in one of the suits in which the decrees have been made is the judgment-debtor in the other and each party fills the same character in both suits; and

(b) the sums due under the decrees are definite.

(4) The holder of a decree passed against several persons jointly and severally may treat it as a cross-decree in relation to a decree passed against him singly in favour of one of such persons.

Illustrations.

(a) A holds a decree against B for Rs. 1,000. B obtains a decree against A for the payment of Rs. 1,000 in respect of A's failure to deliver certain goods at a future day. B cannot treat his decree as a cross-decree under this section.

(b) A and B, co-plaintiffs, obtain a decree for Rs. 1,000 against C, and C obtains a decree for Rs. 1,000 against A. C cannot treat his decree as a cross-decree under this section.

(c) A obtains a decree against B for Rs. 1,000. C, who is a trustee for B, obtains a decree on behalf of B against A for Rs. 1,000. B cannot treat C's decree as a cross-decree under this section.

(d) A, B, C, D and E are jointly and severally liable for Rs. 1,000 under a decree obtained by F. A obtains a decree for Rs. 100 against F singly and has it transferred to the Court in which the joint decree is being executed. F may treat his joint decree as a cross-decree under this section.

247. Where application is made to a Court for the execution of a decree under which two parties are entitled to recover sums of money from each other, then,

(a) if the two sums are equal, satisfaction for both shall be entered upon the decree; and,

(b) if the two sums are unequal, execution may be taken out only by the party entitled to the larger sum and for so much only as remains after deducting the smaller sum, and satisfaction for the smaller sum shall be entered upon the decree.

248. (1) Where more than one year has elapsed between the date of a decree and the application for its execution, the Court which passed the decree, shall issue a notice to the party against whom execution is applied for, requiring him to show cause, within a period to be fixed by the Court, why the decree should not be executed against him:

Provided that no such notice shall be necessary where the application is made within one year from the date of any decree passed on appeal from the decree sought to be executed, or of the last order adverse to the party against whom execution is applied for, made on any previous application for execution.

(2) Where application is made for the execution of a decree against the legal representative of a party to the suit in which the decree was passed, the Court which passed the decree, shall issue a notice to such legal representative, requiring him to show cause, within a period to be fixed by the Court, why the decree should not be executed against him:

Provided that no such notice shall be necessary where, upon a previous application for

execution against such legal representative, the said Court has ordered execution to be issued against him.

(3) Where a decree has been sent to another Court for execution, the Court to which the decree shall be bound by the provisions and may issue a notice as required by sub-section (2) notwithstanding that the Court which passed the decree has made no order under section 247.

(4) Nothing in this section shall apply to the case of an application for sending a decree from one Court to another for execution.

(5) No suit or other proceeding shall be dismissed on the ground of want of notice to a legal representative, against any person being the decree-holder, has in the meantime purchased property sold by order of a Court competent to execute the decree.

248A. Where on the day and at the hour fixed in a notice issued under section 248, the judgment-debtor do not appear and is not in a position to proceed with the application, it shall dismiss the application; but, if it is in a position to proceed with the execution, it shall proceed accordingly.

248B. Where the judgment-debtor and the decree-holder appear on the day and at the hour fixed in a notice issued under section 248 and the debtor objects to the execution, in whole or in part, of the decree, the Court shall forthwith consider the objection:

(a) if the objection is one upon which the Court is bound to stay proceedings, it shall dismiss the application for execution, and refer the matter for disposal to the Court which passed the decree, and stay proceedings accordingly;

(b) if it is competent to dispose of the objection and allows it, it shall dismiss the application for execution, in whole or in part, as the case may be;

(c) if it disallows the objection, it shall proceed with the execution, and if the decree-holder fails to proceed, in whole or in part, it shall dismiss the application for execution.

248C. Where the judgment-debtor and the decree-holder appear on the day and at the hour fixed in a notice issued under section 248, and the debtor alone appears, the Court shall,—

(a) if the judgment-debtor objects to the execution, in whole or in part, of the decree and the Court allows the objection, dismiss the application for execution, in whole or in part, as the case may be;

... judgment-debtor makes no such objection or the Court disallows the objection made, and the Court is in a position to proceed with the execution, proceed accordingly ;

If the Court is not in a position to proceed with the execution, dismiss the application for execution, or, if it thinks fit, postpone the execution and summon the decree-holder to put it in a position to proceed.

Where the decree-holder appears, and the judgment-debtor does not appear, on the day and at the hour fixed by the Court under section 248, the Court may proceed with the execution or order the decree-holder to put it in a position to proceed.

The Court may, from time to time, allow time to the decree-holder and holder to take steps in aid of execution or to do anything necessary to put the Court in a position to proceed with the execution of the decree.

The Court may adjourn to a future day to be fixed by it, the hearing of any application made by the judgment-debtor so as to object to the execution of the decree, to adduce evidence or to do any other thing in connection with the objection.

On the day and hour fixed under section 248, the Court shall be given notice by the decree-holder in every case, and by the judgment-debtor, if it is fixed for the hearing of any objection or if, in the opinion of the Court, a notice is necessary for any other reason necessary or proper.

If the execution is postponed or adjourned under sub-section (1) or sub-section (2) where the Court has, of its own motion or on the motion of the decree-holder, fixed a day and hour without issuing a notice under section 248, the procedure laid down in sections 248A, 248B, 248C and 248D in relation to the appearance or non-appearance of the decree-holder and judgment-debtor in respect of the consequences of failure or non-appearance, shall, so far as may be applicable, be followed.

Where an application for execution of the decree has been dismissed on the day fixed in a notice issued under section 248 in consequence of the decree-holder's default in appearing to the Court in doing any other act necessary to put the Court in a position to proceed with the execution, the decree-holder may, within ten days from the date of the order of dismissal, apply to the Court to set it aside,

and the Court may, on sufficient cause being shown, set it aside.

(2) Unless such order of dismissal is set aside under this section, the decree-holder shall be precluded from proceeding further with the execution of the decree.

248G. Where an application for execution of the decree has been dismissed on any ground disentitling the decree-holder to execute his decree, the decree-holder shall, unless such order of dismissal is set aside in appeal, be precluded from proceeding further with the execution of the decree.

248H. (1) When an application for execution of the decree has once been admitted, the decree-holder shall be bound to continue to prosecute the application unless he obtains a stay of proceedings. The Court in a position to proceed with the execution until the decree is fully satisfied :

Provided that the decree-holder may apply to the Court, on the ground that it will be useless for him to proceed with the execution by reason of the poverty or absence of the judgment-debtor or for any other cause which the Court thinks sufficient, to stay the proceedings and remove them from the list of pending cases ; and the Court, on being satisfied that the application is reasonable, shall stay the proceedings, either indefinitely or for a specific period, and shall remove the application from the said list.

(2) An order staying proceedings and removing them from the list of pending cases under this section shall be no bar to a fresh application if at the date of such application the decree is otherwise capable of execution.

248I. Where a fresh application for execution is admitted, the proceedings in execution shall be taken up at the point at which they were left when the proceedings were stayed and removed from the list of pending cases.

248J. (1) Where an order has been made against a judgment-debtor *ex parte*, the judgment-debtor may, within thirty days from the date of execution of such order, apply to the Court to have it set aside, and, if he satisfies the Court that he was prevented by any sufficient cause from appearing and that his non-appearance has caused a failure of justice, the Court shall set aside the order and allow the judgment-debtor to make any objection to the execution of the decree.

(2) Unless such order is set aside, the judgment-debtor shall be precluded from making any such objection, whether by appeal or otherwise.

Explanation.—For the purpose of determining the sufficiency of any cause assigned for setting aside the order, the Court may require the judgment-debtor to prove that he was prevented by any sufficient cause from appearing and that his non-appearance has caused a failure of justice.

the judgment-debtor for his non-appearance. The Court shall have regard to the nature of the proceedings in execution and to the notices and other processes which may, from time to time, have been issued.

248K. (1) Where an application for execution is dismissed for any default on the part of the decree-holder, the Court executing the decree, whether in first instance or in appeal, shall direct him to bear all the costs incurred by him in the proceedings in execution.

(2) In all other cases the Court may make such order as to costs as it thinks fit.

248L. The procedure laid down in Chapters XIV and XV as to the summoning and attendance of witnesses and the taking down of their evidence shall, so far as it is applicable, be followed in the execution of decrees.

248M. Where the Court disposes of an application for the execution of a decree which has been partially executed or stays proceedings under section 248H and removes them from the list of pending cases, it shall, in its order, give the reasons therefor and cause a memorandum of the amount properly payable to the decree-holder up to the time of disposal to be entered at the foot thereof, and such memorandum shall be signed by the Judge.

250. (1) When the preliminary measures (if any) required by the foregoing sections have been taken, the Court shall, unless it sees cause to the contrary, issue its warrant for the execution of the decree.

(2) Every such warrant shall bear date the day on which it is signed by the Judge or such officer as the Court may appoint in this behalf, and shall be sealed with the seal of the Court and delivered to the proper officer to be executed.

(3) In every such warrant a day shall be specified on or before which it is to be executed.

252. (1) Where a decree is passed against a party as the legal representative of a deceased person, and the decree is for the payment of money out of the property of the deceased, it may be executed by the attachment and sale of any such property.

(2) Where no such property remains in the possession of the judgment-debtor and he fails to satisfy the Court that he has duly applied such

property of the deceased as is permitted to come into his possession, the decree may be executed against him to the extent of the property not duly applied by him, in the same manner as if the decree had been passed against him personally.

253. Where any person has been appointed as surety for the execution of any decree or order, or for the payment of money under an order of the Court in any proceeding consequent upon the execution of any part thereof, the decree or order may be executed against him, to the extent of the property he has rendered himself liable, in the same manner as if the decree or order had been passed or made against him personally.

Provided that such notice in writing shall be given to the Court in each case thinks sufficient to the surety.

254. (1) Every decree or order for the payment of money, or for the payment of money by way of compensation or otherwise, may be executed in any manner hereinafter provided, or by the imprisonment of the judgment-debtor, or by the attachment and sale of his property, or by any one or more of the foregoing modes.

(2) Nothing in this section shall be taken to authorize the execution of a decree or order by the imprisonment of a judgment-debtor who has already been imprisoned for the purpose of executing the same, unless—

- (a) the order of imprisonment is made in appeal or revision;
- (b) the judgment-debtor has been imprisoned on conditions with which he has failed to comply.

255. Where a decree is for the payment of money, or for the payment of money by way of compensation or otherwise, and the amount of money to be paid exceeds the sum of one hundred rupees, the Court may, when passing the decree, order that the amount due from him under the decree shall be attached, as in the case of an ordinary decree for the payment of money, to a value not exceeding the amount of the decree, in respect of which court-fees have been paid by the decree-holder.

256. Where a decree is for the payment of money, or for the payment of money by way of compensation or otherwise, and the amount of money to be paid exceeds the sum of one hundred rupees, the Court may, when passing the decree, order that the amount due from him under the decree shall be attached, as in the case of an ordinary decree for the payment of money, to a value not exceeding the amount of the decree, in respect of which court-fees have been paid by the decree-holder.

has been omitted, its place being taken by the provisions of clauses 248A to 248M.
251 see clause 250 (2) and clause 243, Post.

any money payable under a decree shall be paid :—

Court whose duty it is to execute the decree ; or

Court to the decree-holder ; or
as the Court which passed the decree directs.

Every agreement, whether made with the judgment-debtor or with any other person on behalf of the judgment-debtor, to give time for the payment of a judgment-debt shall be illegal if made with the sanction of the Court which passed the decree, and for a consideration which the Court deems to be under the circumstances reasonable.

Every agreement, whether made with the judgment-debtor or with any other person on behalf of the judgment-debtor, for the satisfaction of a judgment-debt, which provides for the payment of any sum in satisfaction of the sum due or to accrue due under the decree, shall be illegal unless it is made with the sanction of the Court.

Any payment made in contravention of the provisions of this section shall be applied to the satisfaction of the judgment-debt ; and the surplus, if any, shall be recoverable by the judgment-debtor.

Any agreement made in contravention of the provisions of this section shall not operate as a discharge of liability within the meaning of section 19 of the Indian Limitation Act, 1908.

Where any money payable under a decree of any kind is paid out of Court, or the decree is otherwise adjusted in whole or in part to the satisfaction of the decree-holder, the decree-holder shall certify such payment or adjustment to the Court whose duty it is to execute the decree.

The judgment-debtor also may inform the Court of the payment or adjustment, and apply to the Court to issue a notice to the decree-holder to show cause, on a day to be fixed by the Court, why such payment or adjustment should not be recorded as certified ; and, on the service of such notice, the decree-holder shall appear on the day fixed or, having failed to do so, shall be deemed to have failed to show cause why the payment or adjustment should not be recorded as certified, and the Court shall record the same or cause the same to be recorded accordingly.

Any payment or adjustment, which has been made in contravention of the provisions of this section, shall not be recorded by the Court.

nothing, except in a criminal proceeding, shall be a ground for any Court for the purpose of granting a decree or the judgment-debtor any relief or the benefit of any defence depending upon such recognition.

259. (1) Where a decree is for any specific moveable property or for any share in specific moveable property, it may be enforced by the seizure, if practicable,

of such moveable property or share, and by the delivery thereof to the party to whom it has been adjudged, or to such person as such party may appoint to receive delivery on his behalf, or, subject to the provisions of section 34, by the detention in prison of the judgment-debtor, or by the attachment of his property or by both detention and attachment, if necessary.

(2) Where any attachment under this section has remained in force for six months, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, such property, whether it is in the possession of the judgment-debtor or in that of any other person on his behalf, may be sold, and out of the proceeds the Court may award to the decree-holder, in cases where any amount has been fixed under section 208, such amount, and, in other cases, such compensation as it thinks fit, and shall pay the balance (if any) to the judgment-debtor on his application.

(3) Where the judgment-debtor has obeyed the decree and paid all the costs of executing the same which he is bound to pay, or where, at the end of six months from the date of the attachment, no application to have the property sold has been made or, if made, has been refused, the attachment shall cease.

260. (1) Where the party against whom a decree has been passed for the specific performance of a contract, or for the restitution of conjugal rights, or for the recovery of a wife, or for the performance of, or abstention from, any particular act, has had an opportunity of obeying the decree and has wilfully failed to obey it, the decree may, subject to the provisions of section 34, be enforced by his detention in prison, or by the attachment of his property, or by both.

(2) Where any attachment under this section has remained in force for one year, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, the property may be sold ; and out of the proceeds the Court may award to the decree-holder such compensation as it thinks fit, and shall pay the balance (if any) to the judgment-debtor on his application.

(3) Where the judgment-debtor has obeyed the decree and paid all the costs of executing the same which he is bound to pay, or where, at the end of six months from the date of the attachment, no application to have the property sold has been made or, if made, has been refused, the attachment shall cease.

...to pay, or where, at the year from the date of the attachment, to have the property sold has been granted, the attachment shall cease.

(1) Notwithstanding anything in section 260, the Court, either at the time of passing a decree for the restitution of conjugal rights or at any time afterwards direct that the decree shall not be affected by detention in prison, or by attachment of property, or by both.

Where the Court has made an order under sub-section (1), it may, —

if the decree-holder is the wife, direct that, in the event of the decree not being obeyed within such period as may be fixed in this behalf, the judgment-debtor shall make to the decree-holder such periodical payments as may be just, and, if it thinks fit, require that the judgment-debtor shall, to its satisfaction, secure to the decree-holder such periodical payments;

if the decree-holder is the husband and the judgment-debtor is entitled to any property, either in possession or reversion, or is in receipt of any profits or earnings, order a settlement to be made, to its satisfaction, of such property or any part thereof for the benefit of the decree-holder and of the children of the marriage or either or any of them, or order such part as it may think reasonable of such profits or earnings to be periodically paid by the judgment-debtor to the decree-holder for his own benefit, or to the decree-holder or to any other person for the benefit of the children of the marriage, or any of them.

The Court may from time to time vary any order made under sub-section (1) as to the periodical payment of money, either by altering the times of payment or by increasing or diminishing the amount, or may wholly suspend the same as to the whole or any part of the money so ordered to be paid, and again revive the same, either wholly or in part, as it may think just.

Any money ordered to be paid under section 260 may be recovered as though it were payable under a decree for the payment of money; and the provisions of sections 261 and 262 shall be deemed to apply to any conveyance or other document which it may be necessary to execute for the purpose of securing any periodical payment or of making effect of any property ordered there-

(2) Where a decree is for the execution of a conveyance, or endorsement of a negotiable instrument, and the judgment-debtor obeys or refuses to obey the decree, the decree-holder may prepare a draft of a conveyance or endorsement in accordance with the terms of the decree and deliver the same to the Court.

Decree for execution of conveyances, or endorsement of negotiable instruments.

of a conveyance, or endorsement of a negotiable instrument. and judgment-debtor obeys or refuses to obey the decree, the decree-holder may prepare a draft of a conveyance or endorsement in accordance with the terms of the decree and deliver the same to the Court.

(3) The Court shall thereupon cause the draft to be served on the judgment-debtor in the manner hereinbefore provided for the service of summons, together with a notice in writing requiring objections (if any) thereto to be made within such time as the Court fixes in this behalf.

(4) The decree-holder may also tender to the Court for execution, upon proper stamp-paper if a stamp is required by law for the time being in force.

(5) On proof of such service, the Court may appoint an officer as it may appoint in this behalf, shall execute the copy so tendered, or may, if necessary, alter the same, so as to bring it into accordance with the terms of the decree and execute it as so altered:

Provided that, where any party objects to the draft so served as aforesaid, his objection, within the time so fixed, be stated in writing and argued before the Court, and the Court thereupon make such order as it thinks fit to execute, or alter and execute, the draft in accordance therewith.

(6) The Court, or such officer as it may appoint in this behalf shall cause to be executed any draft or copy, as the case may be, if its registration is required by the law for the time being in force.

(7) The execution of a conveyance or endorsement of a negotiable instrument under this section may be in the following form, —

"C D., Judge of the Court of (or as the case may be), for A. B., in a case against A. B.",

or in such other form as the High Court may from time to time prescribe, and shall have the same effect as the execution of the conveyance or the endorsement of the instrument by the party ordered to execute or endorse the same.

263. (1) Where a decree is for the delivery of any immovable property, possession thereof shall be delivered to the person to whom it has been adjudged, or to such person as he may appoint to receive delivery on his behalf, and, if necessary, by removing any person bound by the decree who is in possession of the property.

Decree for immovable property.

of any immovable property, possession thereof shall be delivered to the person to whom it has been adjudged, or to such person as he may appoint to receive delivery on his behalf, and, if necessary, by removing any person bound by the decree who is in possession of the property.

as he may appoint to receive delivery on his behalf, and, if necessary, by removing any person bound by the decree who is in possession of the property.

... of a joint and undivided share
... property shall be delivered by
... copy of the warrant on some con-
... place on the property and proclaim-
... beat of drum or other customary
... the substance of the decree.

Where possession of any building or premises is to be delivered and the person in possession, being bound by the decree, does not afford free access, the Court, through its officers, may, after giving reasonable warning, permit any woman not appearing in person to enter according to the customs of the locality to withdraw, remove any lock or fastening, open any door or do any other act necessary for putting the decree-holder in possession.

Where there is on or in the immovable
any moveable property (other than
growing crop belonging to the judgment-
debtor) unaffected by the decree and the
debtor does not remove it after he has been
ordered and had every reasonable facility
for removing it, the Court, through its
officers, shall take possession thereof.
Such moveable property shall be kept or,
if of a perishable nature, sold, by such
person as may be appointed by rules made
by the High Court in this behalf, and its
proceeds, as the case may be, shall, sub-
ject to the charges incurred in its removal,
custody, management and sale, be delivered to
the person as may apply to the Court within
the period of thirty days and establish his
claim thereto. If no claimant appears within
the said days, such moveable property or the
proceeds thereof shall be treated in accord-
ance with the law for the time being in force
relating to the disposal of unclaimed prop-
erty and shall be made over to the person
entitled to the same on his application and
production of a certificate.

Where there is upon the immovable a growing crop unaffected by the and belonging to the judgment-debtor of the whole or any part of the may, on the application of the rent-debtor, be postponed until such has matured and the judgment-debtor every reasonable facility for gathering moving it. Where no provision is made decree under section 211 for the pay-rent or mesne profits until the delivery season, the Court executing the decree determine the amount of rent or mesne to which the decree-holder is entitled to postponement of delivery of posses-

On the application of the decree-holder, an order may be issued to the judgment-debtor requiring him to refrain from sowing seed and, within a time to be fixed by the Court, to remove any growing crop standing, or to show cause to the contrary. If the judgment-debtor fails to show cause to the satisfaction of the Court, the decree-holder will be entitled to the possession of the land.

the land, with any growing crop on it, but the judgment-debtor may be allowed such compensation for the crop as the executing the decree may determine. If a crop has been cut but has not been reaped within the time fixed as aforesaid, the sheriff, through its officers, may cause it to be reaped and, if the judgment-debtor refuses to take it, may sell it by auction and keep the sale-proceeds as money deposited by the judgment-debtor till it is claimed by or delivered to the person entitled to the same.

(7) Where the judgment-debtor, during pendency of a suit or after the passing of a decree against him for the possession of moveable property, makes erections thereon and does not remove them within a time fixed by the Court, the decree-holder may be put in possession of the immovable property with the erections made thereon, and the judgment-debtor shall be precluded from seeking compensation in respect of such erections.

(8) Every order made under this section may be enforced by the Court executing the decree as though it formed part of the decree and no suit shall lie for any relief which has been granted by such Court under this section.

264. Where a decree is for the delivery

Decree for delivery of immoveable property when in occupancy of tenant.

Provided that, if the occupant can be a notice in writing containing such shall be served upon him, and in such proclamation need be made.

265. (1) Where a decree is for the separation of estate or of an undivided share, assessed and liable such to the payment of undivided revenue to the Government, or for the separate possession of a share in the whole of such an estate, the partition of the estate or the division of the share shall, if it affects the responsibility for the payment of such revenue made by the Collector or any gazetted officer appointed by the Collector according to the provisions of the Act, be subject to the order of the Collector for the time being in force relating to the partition, or the separate possession of any of such estates, and to appeals or other proceedings relating to such partition or to the separate possession.

(2) The provisions of section 370, -
tions (2) to (6), shall be deemed to

by the Collector or by any subordinate of the Collector under sanction.

Attachment.—For the purposes of this section a raiyatwari holding shall be deemed to be an "estate".

Attachment of property.

(1) The following property shall be liable to attachment and sale in execution of a decree or of decree, namely, lands, houses or buildings, goods, money, banknotes, bills of exchange, hundis, promissory stock, debts, and, save as hereinafter provided, all other saleable property, moveable or over which, or the profits of which, he disposing power exercisable for his own use, whether the same is held in the name of judgment-debtor or by another person for him or on his behalf:

Provided that the following particulars shall be liable to such attachment or sale,

the necessary wearing-apparel, cooking vessels and bedding of the judgment-debtor, his wife and children, and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman;

the tools of artisans, and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the Court, be necessary to enable him to earn his livelihood as such, and such proportion of a growing crop as may have been declared to be free from liability under the provisions of section 269B;

the materials of houses and other buildings (not having been specifically mortgaged, and not being bound as such for the satisfaction of the decree under execution) belonging to an agriculturist and occupied by him as such or, after his death, by his representative;

books of account;

the mere right to sue for damages, including mesne profits;

any right of personal service;

stipends and gratuities allowed to military and civil pensioners of the Government, and political pensions;

allowances (being less than salary) of any public officer or of any servant of a railway company or local au-

thority while absent from duty: the salary or allowances equivalent to such public officer or servant while on duty to the effect of —

(i) the whole of the salary, where salary does not exceed twenty monthly;

(ii) twenty rupees monthly, where salary exceeds twenty rupees and does not exceed forty rupees monthly;

(iii) one moiety of the salary in other case;

(z) the pay and allowances of persons to whom the Indian Articles of War apply;

(ii) all compulsory deposits and other moneys in or derived from any fund to which the Provident Funds Act, 1884, applies in so far as they are declared by the said Act not to be liable to attachment;

(j) the wages of labourers and domestic servants;

(k) an expectancy of succession by inheritance or other merely contingent or possible right or interest;

(l) a right to future maintenance;

(m) any allowance declared by any law passed under the Indian Contract Acts, 1861 and 1892, by a Governor or a Lieutenant-Governor in Council to be exempt from liability to attachment or sale in execution of a decree;

(n) where the judgment-debtor is a tenant liable for the payment of land-revenue, any moveable property which, by any law for the time being applicable to him, is exempt from sale for recovery of an arrear of such revenue.

Explanation.—The particulars mentioned in clauses (g), (h), (i), (ii), (j) and (m) shall be liable to attachment or sale whether before or after they are actually payable.

(2) Nothing in this section shall be deemed

(a) to exempt the materials of houses or other buildings from attachment or sale in execution of decrees for recovery of money or

(b) to affect the provisions of the Act or of any similar law for the time being in force.

267. (1) The Court may, of its own motion

Power to summon and examine person on the application of a decree-holder, summons person whom it is necessary, and examine as to property liable to be seized.

in respect to any property liable to be seized.

in satisfaction of a decree, and may require the person so summoned to produce any property in his possession or power relating to the property.

Where the Court issues a summons under this section of its own motion, it may order by whom the cost of such summons shall be borne.

268. (1) In the case of moveable property not in the possession of the judgment-debtor, other than a debt or property deposited in, or in the custody of, any person, the attachment shall be made by a written order prohibiting the person in possession of the same from giving it over to the judgment-debtor.

A copy of every order made under this section shall be fixed up in some conspicuous place in the court-house, and another copy of the order shall be sent to the person in possession of the property concerned.

268A. The Court may, upon the *ex parte* application of any holder of a decree for payment of money, either before or after the examination of the judgment-debtor, upon affidavit by himself or his authorized agent, stating that the decree has been passed, that it is still unsatisfied and to what extent, and that any third person is indebted to the judgment-debtor and is within jurisdiction, order that all debts owing or accruing to such third person (hereinafter called "garnishee") to such judgment-debtor be attached to satisfy the decree; and by the same or any subsequent order may issue a notice to the garnishee to show why he should not pay to the holder of the decree the debt due from him to such judgment-debtor or so much thereof as may be sufficient to satisfy the decree.

268B. (1) Service of an order that debts, owing or accruing to the judgment-debtor shall be attached or notice thereof to the garnishee in such manner as the Court directs, shall bind such person in his hands.

Where the garnishee does not forthwith pay to the Court the amount due from him to the judgment-debtor, or an amount equal to the debt claimed to be due from him to such judgment-debtor, or where he does not show cause why he should not pay to the holder of the decree the debt due from him to the judgment-debtor or so much thereof as may be sufficient to satisfy the decree, the Court may order execution to issue, and may issue accordingly, without any notice, to levy the amount due from the garnishee, or so much thereof as may be sufficient to satisfy the decree.

Provided, first, that nothing in this section shall be deemed to authorize the Court to attach as a debt any claim in respect of which the Courts of British India have no jurisdiction; but the absence from British India of the garnishee at the time of the application for attachment shall not in itself render the debt not liable to attachment:

Provided, secondly, that for the purpose of attachment under this section, it shall be necessary that the exact amount of the debt should be stated; but it shall be the duty of the Court, in all cases, to satisfy itself that the debt is due: and

Provided, thirdly, that nothing in this section shall be deemed to preclude the judgment-debtor from instituting or prosecuting any suit, or from executing any decree, or from taking any other step necessary for the recovery of the debt; but he shall not make any payment without first satisfying the claim in respect of which the debt is attached.

Explanation.—For the purposes of this section, a mortgage-debt is a debt.

268C. (1) Where the garnishee denies his liability, the Court may, after investigation of his claims and objections by the garnishee or third person, instead of ordering execution to issue, may proceed in the manner prescribed by section 278.

(2) Where in proceedings to obtain attachment of debts it is suggested by the garnishee that the debt sought to be attached belongs to some third person, or that such third person has a lien or charge upon the debt, the Court may order such third person to appear, and state the nature and particulars of his claim upon such debt.

(3) After hearing the objections (if any) of any such third person, and of any other person whom by the same or any subsequent order the Court may order to appear, or if such third person not appearing is ordered, the Court may order execution to issue to levy the amount due from the garnishee, or may proceed in the manner prescribed by section 278, or may make such other order as it thinks fit, upon such terms, in all cases, with respect to costs, as it thinks just and reasonable.

268D. Payment made by, or levied upon, the garnishee under any process issued under sections 268B and 268C, shall be a valid discharge to the judgment-debtor to the extent of the amount paid or levied, although such process or order may be set aside.

268E. (1) Where a judgment-debtor charges any stock standing in his own name in the name of any person on his account, or in trust for him, or has therein any interest, whether in possession, remainder, or otherwise, and whether vested or contingent,

may, on the application of any holder of a decree for the payment of money, that such stock or interest, or any of them or such part thereof as it may fit, shall stand charged with the payment of the amount due under such decree; and the holder of the decree shall thereupon be entitled to all such remedies as he would have been entitled to if such charge had been made in his favour by the judgment-debtor:

Provided that no proceedings shall be taken to have the benefit of such charge until after the expiration of six months from the date of the order made under this section.

(2) Such order shall be made in the first instance *ex parte* and without notice to the judgment-debtor and shall be an order to show cause only; and it shall restrain the Government or the corporation, company, partnership or firm concerned from permitting a transfer of such stock in the meantime and until it is made absolute or discharged; and if, after notice of the order to such public officer as the Government may appoint to receive notice on its behalf, or to the person or persons to be restrained by the order, or, in the case of a corporation, company, partnership or firm to its authorized agent thereof, and before the order is made absolute or discharged, the Government, or such person or persons, or corporation, company, partnership or firm, permit any such transfer to be made, then the Government, or the person or persons, or corporation, company, partnership or firm shall be liable to the holder of the decree for the value or amount of the property so charged and so transferred, or such part thereof as may be sufficient to satisfy the decree; and no disposition of the judgment-debtor in the meantime shall be valid or effectual as against the holder of the decree.

(3) Where the judgment-debtor does not within a time specified in such order show, to the satisfaction of the Court, cause to the contrary, the order shall, on proof of notice to the judgment-debtor or his authorized agent, be made absolute:

Provided that the Court may, on the application of the judgment-debtor or of any person interested, discharge or vary such order and make such order as to costs as it may think fit.

268E. (1) Where the property to be attached is the salary or allowances of a public officer or servant of a railway company or local authority, the Court may

order that the amount shall, subject to the provisions of section 266, sub-section (1), provided in (A), be withheld from such salary or allowances either in one payment or by monthly instalments as the Court may direct; and, on notice of the order to such officer as the

Government shall appoint in this behalf, the officer or other person whose duty it is to disburse such salary or allowances shall hold and remit to the Court the amount due under the order or the monthly instalment as the case may be.

(2) Where the attachable proportion of salary or allowances is already being withheld and remitted to a Court in pursuance of a previous and unsatisfied order of attachment, the officer appointed by the Government in behalf shall forthwith return the subject of the order to the Court issuing it with a statement of all the particulars of the existing attachment.

(3) Every order made under this section unless it is returned in accordance with the provisions of sub-section (2), shall, without further notice or other process, bind the Government or the railway company or other authority, as the case may be, while the judgment-debtor is within the local limits to which this Code for the time being extends, and while he is beyond those limits if he is in receipt of any salary or allowances payable out of His Majesty's Indian revenues or funds of a railway company carrying on business in any part of British India or under the authority in British India; and the Government or the railway company or local authority, as the case may be, shall be liable for any sum paid in contravention of this section.

268G. (1) Property belonging to a partnership shall not be attached or sold in execution of a decree obtained against a partner or partners more than a decree passed against the firm.

(2) The Court may, on the application of the holder of a decree against a partner, make an order charging the interest of that partner in the partnership property and his share with payment of the amount due under the decree and the interest thereon, and by the same or a subsequent order, appoint a receiver of the share of such partner in the profits (whether already declared or not) and of any other money which may come to him in respect of the partnership and direct such accounts and inquiries to be made and make such other orders as might have been directed or made if a charge had been made in favour of the decree-holder by such partner, or as the circumstances of the case may require.

(3) The other partner or partners of the firm shall be at liberty at any time to redeem or, in case of a sale being ordered to purchase, the interest so charged.

(4) Every application for an order under sub-section (2) shall be served on the judgment-debtor and on his partners or partners as are within the local limits of the jurisdiction of the Court, and such service shall be deemed to be service on all the partners and all orders made on such application shall be similarly served.

Every application made by any partner of a judgment-debtor under sub-section (3) shall be served on the decree-holder and on the judgment-debtor, and on such of the partners as do not join in the application, and as are within the local limits of jurisdiction of the Court, and such service shall be deemed to be service on all the partners, and all orders made on such applications shall be similarly served.

Where the property to be attached is moveable property in the possession of a judgment-debtor, the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, and shall be responsible for the due custody thereof:

Provided that, where the property so seized is subject to speedy and natural decay, or where the expense of keeping it in custody is likely to exceed its value, the attaching officer may sell the same:

Provided, also, that the Local Government may make rules for the maintenance and custody of the property under attachment, of livestock and other moveable property, and that the officer attaching property under this section shall act in accordance with such rules.

(1) Where the property to be attached is a growing crop, the attachment shall be made by actual seizure, and the Court shall make such arrangements for the custody of the crop as it may deem sufficient and, for the purpose of enabling the Court to make such arrangements, every application for the attachment of a growing crop shall specify the time at which it is likely to be cut or gathered.

Subject to such conditions as may be imposed by the Court in this behalf either in the order of attachment or in any subsequent order, the judgment-debtor may tend, cut, gather and store the crop and do any other acts necessary for maturing or preserving it; and if the judgment-debtor fails to do all or any of such acts, the decree-holder may, subject to the like conditions, do all or any of them either by himself or by any person appointed by him in this behalf.

Property attached as a growing crop shall not be deemed to have ceased to be attached or to require re-attachment merely because it has been severed from the land.

Where an order for the attachment of a growing crop has been made at a considerable time before the crop is likely to be cut or gathered, the Court may suspend the execution of the order for such time as it thinks fit, and may, in its discretion, make a further order prohibiting the removal of the crop until the execution of the order of attach-

(5) A growing crop which from its nature does not admit of being stored, shall not be attached under this section at any time more than twenty days before the time when it would be fit for cutting or gathering.

269B. The Local Government, with the previous sanction of the Governor General in Council, may, by general or special order published in the local official Gazette, declare that such

fixed proportion of any growing crop, or of any class of growing crops, as may be necessary for the purpose of providing until the next harvest for the due cultivation of the land and for the support of the judgment-debtor and his family shall, in the case of an agriculturist judgment-debtors or of any class of agriculturist judgment-debtors, be free from liability to attachment and sale in execution of a decree:

Provided that nothing in this sub-section or in any order thereunder shall be deemed to limit or otherwise affect any first charge which, by any law for the time being in force, is vested in the Government for the recovery of revenue or in a landholder for the recovery of rent.

271. No person executing any process under this Code directing the seizure of property in a dwelling-house, shall enter any dwelling-house after sunset and before sunrise, or shall break open any outer door of a dwelling-house; but, when any such person has duly gained access to any dwelling-house, he may break open the door of any room in which he has reason to believe any such property to be.

Provided that, where such room is in the occupancy of a woman who, according to the customs of the country, does not appear in public, the person executing the process shall give notice to her that she is at liberty to withdraw, and, after allowing a reasonable time for such woman to withdraw and giving her every reasonable facility for withdrawing, he may enter such room for the purpose of seizing property, using at the same time every precaution, consistent with these provisions, to prevent its clandestine removal.

272. Where the property to be attached is in the custody of any person or public officer, the attachment shall be made by notice to such person or officer, requesting that such property, and any interest or dividend becoming payable thereon, may be held subject to the further orders of the Court from which the notice is issued:

S. 270 has been omitted as unnecessary in view of provisions of clauses 268A to 268E as to garnishing charging orders.

...that, where such property is in the
...of a Court, any question of title or priority
...between the decree-holder and any other
...not being the judgment-debtor, claiming
...interested in such property by virtue of
...assignment, attachment or otherwise, shall
...determined by such Court.

273. (1) Where the property to be attached
is a decree, either for the
Attachment of de- payment of money or for
sale upon a mortgage,
passed by the Court which passed the decree
sought to be executed, the attachment shall
be made by an order of the Court directing the
proceeds of the former decree to be applied in
satisfaction of the latter.

(2) Where the property to be attached is a
decree, either for the payment of money or for
sale upon a mortgage, passed by any other
Court, the attachment shall be made by a notice
in writing to such other Court under the hand of
the Judge of the Court which passed the decree
sought to be executed, requesting the former
Court to stay the execution of its decree until
such notice is cancelled by the Court from which
it was issued; and the Court receiving such notice
shall stay execution accordingly, unless and
until—

(a) the Court which passed the decree sought
to be executed, cancels the notice, or

(b) the holder of the decree sought to be
executed applies to the Court receiving
such notice to execute its own decree;

and on receiving such application it shall
proceed to execute the decree and apply the
proceeds in satisfaction of the decree sought to
be executed.

(3) Where the property to be attached is
a decree other than a decree for the payment
of money or for sale upon a mortgage, the
attachment shall be made by a notice in writing,
under the hand of the Judge of the Court which
passed the decree sought to be executed, to the
holder of the decree sought to be attached, pro-
hibiting him from transferring or charging the
same in any way; and, where such decree has
been passed by any other Court, also by sending
to such other Court a like notice in writing to
obtain from executing the decree sought to be
attached until such notice is cancelled by the
Court from which it was issued; and every
Court receiving such notice shall give effect to
the same until it is so cancelled.

(4) The holder of a decree sought to be
executed by the attachment of another decree
shall, for purposes of section 244, clause (b),
be deemed to be the representative of the
holder of the attached decree and to be
authorized to execute such decree in any manner

(5) The holder of a decree attached
this section shall give immediate notice to
the judgment-debtor bound by such decree
and furnish the Court executing the decree
with such information and aid as may reasonably
be required.

(6) On the application of the holder of a
decree sought to be executed by the attach-
ment of another decree, the Court may make
an order of attachment under this section
shall give notice of such order to the judg-
ment-debtor bound by the decree attached,
and no payment or adjustment of the attached
decree made by the judgment-debtor, in
contravention of such order after receipt of
notice thereof, either through the Court or
otherwise, shall be recognized by any Court.

(7) Nothing in this section shall be deemed
to authorize or require the sale by the Court
of any decree attached thereunder.

274. (1) Where the property to be attached
is immoveable, the attachment
Attachment of immoveable property. ment shall be made
an order prohibiting
judgment-debtor from transferring or charging
the property in any way, and all persons
receiving the same from him by purchase, or
otherwise.

(2) Every order made under sub-section
(1) shall remain in force for such period as
specified therein:

Provided that the Court may in its discre-
tion, from time to time, extend such period
on the application of the decree-holder.

(3) Every order made under sub-section
(1) shall be proclaimed at some place
adjacent to the property to be attached, by
the use of drum or other customary mode, and a copy
of the order shall be affixed on a conspicuous
part of the property and of the court-house,
also, where the property is land paying revenue
to the Government, in the office of the Collector
of the district in which the land is situated.

(4) Nothing in this section shall be deemed
to require, in the execution of a decree for
enforcement of a mortgage, the attachment
of any property liable by virtue of such mort-
gage to be sold in satisfaction of such decree.

275. Where the amount decreed with costs
Order for withdrawal of attachment after satisfaction of decree. all charges and expenses
of attachment after satisfaction of decree. of any property are
into Court, or where satisfaction of the decree
otherwise made through the Court, or where
decree is set aside or reversed, an order
the attachment has not already ceased to be
in force under the provisions of section 244,
be issued, on the application of any person
interested in the property, for the withdrawal
the attachment; and, in the case of immoveable
property, the order of withdrawal shall be
proclaimed, and a copy of it shall be affixed

in the manner prescribed by section 274, sub-section (3).

Where an attachment has been made by actual seizure or by written order duly intimated and made known in manner provided, any private alienation of the property, whether by sale, gift, mortgage or otherwise, and any payment of the debt or dividend, or a delivery of the share, to the judgment-debtor during the continuance of the attachment, shall be void as against all claims enforceable under the attachment.

Explanation.—For the purposes of this section, claims enforceable under an attachment include claims for the rateable distribution of assets under section 295.

Where the property attached is coin or currency notes, the Court may, at any time during the continuance of the attachment, direct that such coin or currency notes, or a part thereof sufficient to satisfy the decree, be paid over to the party entitled under the decree to receive the same.

(1) Where any claim is preferred to, or any objection is made to the attachment of, any property attached in execution of a decree, including a decree for the enforcement of a mortgage, on the ground that such property is not liable to such attachment, the Court shall proceed to investigate the claim or objection in the same manner and with the like power as if a suit for the property had been instituted by the claimant or objector as plaintiff against the decree-holder and the judgment-debtor as defendants:

Provided that no such investigation shall be made where the Court considers that the claim or objection was designedly or unnecessarily delayed.

Where the property to which such claim or objection applies, has been advertised for sale, the Court ordering the sale may postpone the investigation of the claim or objection.

Every person preferring a claim or making an objection under this section shall add evidence to show that at the date of the attachment he was possessed of the property attached otherwise than as agent of, or trustee for, the judgment-debtor, or that he had such an interest therein as would render the possession of the judgment-debtor that of his agent or trustee; and the decree-holder and the judgment-debtor shall have the right to add evidence to the contrary.

(4) Where upon an investigation under this section the Court is satisfied that the reason stated in the claim or objection, that the property under attachment was not, when attached, in the possession of the judgment-debtor or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the judgment-debtor at such time, it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, or partly on his own account and partly on account of some other person, the Court shall make an order releasing the property, wholly or to such extent as it thinks fit, from attachment.

(5) Where upon such investigation the Court is satisfied that the property under attachment was, when attached, in the possession of the judgment-debtor as his own property and not on account of any other person, or was in the possession of some other person in trust for the judgment-debtor, or in the occupancy of a tenant or other person paying rent to the judgment-debtor, the Court shall disallow the claim.

(6) Where upon such investigation the Court is satisfied that the property under attachment is subject to a mortgage or lien in favour of some person not in possession, and thinks fit to continue the attachment, it may do so, subject to such mortgage or lien.

283. (1) The party against whom an order is made under section 278, sub-section (4), (5) or (6), may institute a suit to establish the right which he claims to the property in dispute.

(2) Save where the attachment has been removed by the Court, no Court otherwise than in a criminal proceeding or in the course of a suit instituted under sub-section (1), shall recognise, for the purpose of granting any relief or of giving effect to any defence, any assertion of right upon which, with reasonable care and diligence, a claim or objection might have been preferred or made, but was not preferred or made, under section 278, sub-section (1), by the person asserting such right or by his predecessor in title, or, subject to the result of such suit, any assertion of right with respect to which any such claim or objection was preferred or made and disallowed.

284. Any Court executing a decree may order that any property which has been attached by it, or such portion thereof as may seem necessary to satisfy the decree, shall be sold, and that the proceeds

such sale, or a sufficient portion thereof, shall be paid to the party entitled under the decree to receive the same.

285. (1) Where any moveable or immovable property attached in execution of decrees of several Courts, property not in the custody of any Court is under attachment in execution of the decrees of two or more Courts, the Court which shall determine any claim to such property and any objection to the attachment thereof shall be the Court of highest grade, or, where there is no difference in grade between such Courts, the Court under whose decree the property was first attached.

(2) For the purpose of rendering the provisions of this section applicable to any proceeding under section 295 for the rateable distribution of assets realized, it shall not be necessary that the holder of a decree under execution in a Court not authorized by sub-section (1) to determine any claim or objection should have such decree transferred for execution to the Court so authorised.

(3) The operation of this section shall not be affected by the circumstance that, prior to the attachment made by a Court of higher grade, proceedings subsequent to attachment may have taken place in a Court of lower grade :

Provided that the attachment has not terminated by reason of such proceedings.

(4) Nothing in this section shall be deemed—

(a) to invalidate any proceeding taken by a Court executing one of such decrees without notice of the attachment made in execution of another of such decrees ; or

(b) to apply when the attached property has been sold in satisfaction of any one of the decrees in execution of which it was attached.

Explanation.—For the purposes of this section, the grade of a Court depends upon the pecuniary and other limitations prescribed by any law for the time being in force.

Sale and delivery of property generally.

286. Every sale in execution of a decree shall be conducted by an officer of the Court or by such other person as the Court may appoint in this behalf, and, save as provided by section 296, shall be made by public auction in manner hereinafter prescribed.

287. (1) Where any property is ordered to be sold by public auction in execution of a decree, the Court shall cause a proclamation of the intended sale to be made in the language of such Court.

(2) Such proclamation shall state the place of sale, and shall specify as fairly and accurately as possible—

(a) the property to be sold ;

(b) the revenue assessed upon the estate or part of the estate, where the property to be sold is an interest in an estate in part of an estate paying revenue to the Government ;

(c) any incumbrance to which the property is liable ;

(d) the amount for the recovery of which the sale is ordered ; and

(e) every other thing which the Court considers material for a purchaser to know in order to judge of the nature and value of the property.

(3) Every application for an order for sale under this section shall be accompanied by a statement signed and verified in the manner hereinafter prescribed for the signing and verification of plaints and containing, so far as they are known to or can be ascertained by the person making the verification, the matters required by sub-section (2) to be specified in the proclamation.

(4) For the purpose of ascertaining the matters required by sub-section (2) to be specified in the proclamation, the Court may summon any person whom it thinks necessary to summon, and may examine him in respect to any such matters and require him to produce any document in his possession or power relating thereto.

(5) The decree-holder shall not be bound to furnish the Court with more than a rough estimate of the value of the property to be sold, nor shall he be liable to have any adverse order made against him by reason of an undervaluation not proved to have been made with the intention of misleading the Court, and the burden of proving such intention shall be upon the person objecting to such estimate.

(6) Any information on the matters required by sub-section (2) to be specified in the proclamation, if it is obtained by any of the parties to the decree or by the Court executing the decree after the issue of the proclamation, shall be notified at the time of sale ; and every claim or objection preferred or made and disallowed under section 278, sub-section (1), shall be either specified in the proclamation or notified at the time of sale.

(7) The High Court may, by notification in the local official Gazette, make rules for the guidance of the Courts in the exercise of the duties under this section.

(8) Nothing in this section shall be deemed to apply to any case in which the execution of a decree has been transferred to the Collector.

288. No Judge or other public officer shall be answerable for any error or misstatement or omission in the proclamation or in the sale.

(Part II.—Sales in General.—Chapter XXV.—Of the Enforcement of Decrees and Orders.)
Sections 289-294.)

Every proclamation made under section 287, unless the same has been committed or made dishonestly.

[Amended by
VII of 1884,
s. 29.]

(1) Every proclamation under section 287 shall be made in the manner prescribed by section 274, sub-section (3), and a copy thereof shall be affixed in the court-house and also, in the case of land paying revenue to the Government, in the Collector's office.

(2) Where the Court so directs, such proclamation shall also be published in the local official Gazette and in some local newspaper, and the costs of such publication shall be deemed to be costs of the sale.

(3) Where property is divided into lots for the purpose of being sold separately, it shall not be necessary to make a separate proclamation for each lot, unless proper notice of the sale cannot, in the opinion of the Court, otherwise be given.

290. Save in the case of property of the kind described in the first proviso to section 269, no sale under this Chapter shall, without the consent in writing of the judgment-debtor, take place until after the expiration of at least thirty days in the case of immovable property, and of at least fifteen days in the case of moveable property, calculated from the date on which the copy of the proclamation has been affixed in the court-house of the Judge ordering the sale.

291. (1) Save in the case of a sale by the judgment-debtor or Collector, the Court may, in its discretion, adjourn any sale under this Chapter, including a sale in execution of a decree for the enforcement of a mortgage, to a specified day and hour, and the officer conducting any such sale may in his discretion adjourn the sale, recording his reasons for such adjournment:

Provided that, where the sale is made in, or within the precincts of, the court-house, no such adjournment shall be made without the leave of the Court.

(2) Where a sale is adjourned under sub-section (1) for a longer period than seven days, a fresh proclamation under section 289 shall be made, unless the judgment-debtor consents to waive it.

(3) Every sale shall be stopped if, before the lot is knocked down, the debt and costs (including the costs of the sale) are tendered to the officer conducting the sale, or proof is given to his satisfaction that the amount of such debt and costs has been paid into the Court which ordered the sale.

293. Any deficiency of price which happens on a re-sale under this Chapter by reason of the purchaser's default, and all expenses attending such re-sale, shall be certified to the Court by the officer holding the sale or re-sale, and shall, at the instance of either the decree-holder or the judgment-debtor, be recoverable from the defaulting purchaser under the provisions of this Chapter for the execution of a decree for the payment of money.

293A. Whoever professes to purchase on account of any other person, knowing or having reason to believe that such person either has not authorized him to purchase or, having authorized him to purchase, does not intend to perform the obligations arising out of a purchase on his behalf, shall, in addition to any liability imposed by this Code upon a purchaser, be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

294. (1) No holder of a decree in execution of which property is sold shall, without the express permission of the Court, bid for or purchase the property.

(2) Where such permission as aforesaid is obtained by the holder of a decree for the enforcement of a mortgage, he shall at the sale be deemed to bid the whole value of his claim under the decree.

(3) Where a decree-holder purchases with such permission as aforesaid, the purchase-money and the amount to which, subject to the provisions of section 295, he may be entitled under the decree, may, if he so desires, be set-off against one another, and the Court executing the decree shall enter up satisfaction of the decree in whole or in part accordingly.

(4) Where a decree-holder purchases, by himself or through another person, without such permission as aforesaid, the Court may, if it thinks fit, on the application of the judgment-debtor or of any other person interested in the sale, by order set aside the sale; and the costs of such application and order, and any deficiency of price which may happen on the re-sale, and all expenses attending it, shall be paid by the decree-holder.

(5) No officer having any duty to perform in connection with any sale under this Chapter shall, either directly or indirectly, bid for, acquire or attempt to acquire, any interest in the property sold.

*Act in General.—Chapter XIX.—Of the Execution of Decrees.—
Sections 295-295A.)*

295. (1) Where assets are held by a Court available for distribution in execution of a decree, and more persons than one have, before such asset became so available, made application to the Court for the execution of decrees for the payment of money against the same judgment-debtor and have not obtained satisfaction thereof, the assets, after deducting the costs of the realization shall be rateably distributed among all such persons, each of whom shall be bound immediately to deliver to the Court, for the purpose of such rateable distribution, any assets realized by him, subsequently to the making of his application for execution, otherwise than through the Court:

Provided, first, that, where when any property is sold subject to a mortgage or charge, the mortgagee or incumbrancer shall not, as such, be entitled to share in any surplus arising from such sale:

Provided, secondly, that where any property liable to be sold in execution of a decree is subject to a mortgage or charge, the Court may, with the assent of the mortgagee or incumbrancer, order that the property be sold free from the mortgage or charge, giving to the mortgagee or incumbrancer the same right against the proceeds of the sale as he had against the property sold; and

Provided, thirdly, that, where any immoveable property is sold in execution of a decree ordering its sale for the discharge of an incumbrance thereon, the proceeds of the sale shall be applied—

first, in defraying the expenses of the sale;

secondly, in discharging the amount due on the decree;

thirdly, in discharging the interest and principal moneys due on subsequent incumbrances (if any); and,

fourthly, rateably among the holders of decrees for the payment of money against the judgment-debtor, who have prior to the sale of the property, applied to the Court which made the decree ordering such sale for execution of such decrees, and have not obtained satisfaction thereof.

(2) A decree-holder who has caused property to be attached before judgment, shall be entitled to share in a rateable distribution of the property subject to his attachment, notwithstanding that he has made no application under this section.

(3) For the purpose of making an application under this section, it shall not be necessary that the holder of a decree should have previously caused the decree to be transferred for execution to the Court competent under section 285 to determine claims to

the property and objections to the attachment.

(4) Every application under this section of which the judgment-debtor has notice shall, subject to any objection made by him thereto and the orders made on such objection by the Court executing the decree, operate as an attachment, notwithstanding that the original attachment may, for any reason, have ceased.

(5) Where all or any of the assets liable to be rateably distributed under this section are paid to a person not entitled to receive the same, any person so entitled may sue such person to compel him to refund the assets.

(6) Nothing in this section shall be deemed to affect any right of the Government.

Explanation I.—For the purposes of this section, assets realized by the sale of any property in execution of a decree are not available for distribution until the entire amount due from the purchaser has been paid into Court.

Explanation II.—For the purposes of this section, every decree, other than a decree for the enforcement of a mortgage, is, to the extent to which money is payable thereunder, a decree for the payment of money, notwithstanding that the amount of money so payable has not yet been ascertained or that relief of another kind has also been granted; but a decree directing the realization of a money-claim from mortgaged property and declaring the judgment-debtor to be personally liable for any deficiency, is a mortgage-decree, and not a decree for the payment of money; and a decree directing the payment of money by any person does not cease to be a decree for the payment of money, in so far as that person is concerned, merely because it directs, as against another person, the realization of a money-claim from mortgaged property.

Explanation III.—For the purposes of the section, where the holder of a decree against two or more persons applies for the rateable distribution of the assets realized from the property belonging to one of such persons, or where the holder of a decree against one person applies for a rateable distribution of the assets realized from the property belonging to that person and another, such applications are applications for the execution of decrees against the same judgment-debtor.

Sale and delivery of moveable property.

295A. (1) Where the property to be sold is a growing crop which from its nature admits of being

stored but has not yet been stored, the day of the sale shall be so fixed as to admit of its being made ready for storing before the

arrival of such day, and the sale shall not be held until the crop has been cut or gathered and is ready for storing.

295. Where the property to be sold is a growing crop which from its nature does not admit of being stored, it may be sold before it is cut or gathered, and the purchaser shall be entitled to enter on the land by himself, or by any person appointed by him in this behalf, and to do all that is necessary for the purpose of tending and cutting or gathering it.

296. Where the property to be sold is a negotiable instrument or stock, the Court may, instead of directing the sale to be made by public auction, authorise the sale of such instrument or stock through a broker.

297. (1) In the case of other moveable property, the price of each lot shall be paid for at the time of sale, or as soon after as the officer holding the sale directs, and in default of payment the property shall forthwith be again put up and sold.

(2) On payment of the purchase-money, the officer holding the sale shall grant a receipt for the same, and the sale shall become absolute.

(3) Where the moveable property to be sold is a share in goods belonging to the judgment-debtor and a co-owner, and two or more persons of whom one is such co-owner, respectively bid the same sum for such property or for any lot, the bidding shall be deemed to be the bidding of the co-owner.

(4) A co-owner who fails to purchase the property under this section, shall be entitled to participate, to the extent of his interest, in the proceeds of the sale, but he shall be precluded from asserting any other claim in respect of such property, unless he can show that, in spite of the exercise of reasonable care and diligence, he had no notice of the sale.

298. No irregularity in publishing or conducting the sale of moveable property shall vitiate the sale, but any person sustaining any injury by reason of such irregularity at the hand of any other person may institute a suit against him for compensation, or, if such other person is the purchaser, for the recovery of the specific property and for compensation in default of such recovery.

299. (1) Where the property sold is moveable property of which actual seizure has been made, it shall be delivered to the purchaser.

(2) Where the property sold is moveable property to which the judgment-debtor is entitled

subject to the possession of some other person, the delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him from delivering possession of the property to any person except the purchaser.

(3) Where the property sold is a debt or stock, the delivery thereof shall be made by a written order of the Court prohibiting the creditor from receiving the debt or any interest thereon, and the debtor from making payment thereof to any person except the purchaser, or prohibiting the person in whose name the stock may be standing from making any transfer of the stock to any person except the purchaser, or receiving payment of any dividend or interest thereon, and the manager, secretary or other proper officer of the company or corporation issuing such stock from permitting any such transfer or making any such payment to any person except the purchaser.

302. (1) Where the conveyance or endorsement of the party in whose name a negotiable instrument or any stock is standing, is required to transfer such instrument or stock, the Court or such officer as it may appoint in this behalf may execute such other document as may be necessary or endorse the instrument or the certificate of the stock.

(2) The execution of a conveyance or the endorsement of a negotiable instrument or certificate of stock under this section may be in the following form:—

"A. B. by C. D., Judge of the Court of (or as the case may be), in a suit by E. F. against A. B.",

or in such other form as the High Court may from time to time prescribe, and shall have the same effect as the execution of the conveyance or the endorsement of the instrument by the party.

(3) Until the transfer of such instrument or stock, the Court may, by order, appoint some person to receive any interest or dividend due thereon and to sign a receipt for the same; and any receipt so signed shall be as valid and effectual for all purposes as if the same had been signed by the party himself.

303. In the case of any moveable property not hereinbefore provided for, the Court may make an order vesting such property in the purchaser or as he may direct; and such property shall vest accordingly.

Sale and delivery of immoveable property.

304. Sales of immoveable property in execution of decrees may be ordered by any Court other than a Court of Small Causes.

For ss. 300 and 301, see clause 299 (2), (3)

305. (1) Where an order for the sale of immovable property has been made, if the judgment-debtor can satisfy the Court that there is reason to believe that the amount of the decree may be raised by the mortgage or lease or private sale of such property, or some part thereof or of any other immovable property of the judgment-debtor, the Court may, on his application, postpone the sale of the property comprised in the order for sale, on such terms and for such period as it thinks proper, to enable him to raise the amount.

(2) In such case the Court shall grant a certificate to the judgment-debtor authorizing him, within a period to be mentioned therein and notwithstanding anything contained in section 276, to make the proposed mortgage, lease or sale:

Provided that all moneys payable under such mortgage, lease or sale shall be paid into Court and not to the judgment-debtor:

Provided, also, that no mortgage, lease or sale under this section shall become absolute until it has been confirmed by the Court.

(3) Nothing in this section shall be deemed to apply to a sale of property directed to be sold in execution of a decree for the enforcement of a mortgage of such property.

306. On every sale of immovable property under this Chapter, the person declared to be the purchaser shall pay immediately after such declaration a deposit of twenty-five per centum on the amount of his purchase-money to the officer conducting the sale, and, in default of such deposit, the property shall forthwith be put up again and sold.

307. (1) The full amount of purchase-money shall be paid by the purchaser into the Court before the Court closes on the fifteenth day after the sale of the property, exclusive of the day of sale, or, if the fifteenth day is a Sunday or other day on which the Court is closed, then on the first office-day after the fifteenth day.

(2) In default of payment within the period mentioned in sub-section (1), the deposit, after defraying the expenses of the sale, shall be forfeited to the Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold.

(3) Every re-sale of immovable property, in default of payment of the purchase-money within the period allowed for such payment by sub-section (1), shall be made after the

issue of a fresh proclamation in the manner and for the period hereinbefore prescribed for the sale.

Explanation.—For the purposes of this section, a day on which the Court is closed but the office of the Court is open for the receipt of purchase-money, is an office day.

310. Where the property sold is a share of undivided immovable property or the rights and interests of a mortgagee in such share, and two or more persons, of whom one is a co-sharer respectively bid the same sum for such property or for any lot, the bidding shall be deemed to be the bidding of the co-sharer.

310A. (1) Where immovable property has been sold under this Chapter in execution of a decree of any kind, including a decree in a suit for sale under a mortgage, any person, either owning such property or holding an interest therein acquired before the attachment in execution of any decree in pursuance of which the sale was held, may, at any time within thirty days from the date of the sale, apply to have the sale set aside on his depositing in Court,—

(a) for payment to the purchaser, a sum equal to five per centum of the purchase-money, and,

(b) for payment to the decree-holder, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, less any amount which may, since the date of such proclamation of sale, have been received by the decree-holder:

Provided that, where immovable property has been sold under this Chapter in execution of a decree and the holder of any other decree has, prior to such sale, applied to the Court under section 295 for a rateable distribution of assets, no application under this section shall be admitted unless the applicant has, within thirty days from date of the sale or within such further period as the Court may from time to time direct, deposited the amount due under such other decrees.

(2) Where immovable property has been sold under this Chapter by separate lots in execution of a decree, an application with regard to one or more of such lots may be made under this section:

Provided that, if a person applies under section 311 to set aside the sale of his immovable property, he shall not be entitled to make or prosecute an application under this section.

(3) Where a person deposits in Court, within the period fixed by sub-section (1), a sum less than the sum prescribed by this section, the sale shall not be set aside unless such

For ss. 308 and 309 see clause 307 (2), (3).

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person can show that he was in good faith misled by an officer of the Court whose duty it was to inform him of the amount of the sum required to be deposited and that he has paid the sum required to make up such amount.

(4) Nothing in this section shall be deemed to relieve a judgment-debtor from any liability he may be under in respect of costs and interest not covered by a proclamation of sale.

311. (1) Where any immovable property has been sold under this Chapter in execution of a decree, the decree-holder, or any person who is entitled to share in a rateable distribution of the assets under section 295, or who owns such property or holds any such interest therein as would entitle him to sue, to the extent of that interest, for setting aside the sale, may, at any time within thirty days from the date of the sale, apply to the Court to set aside the sale on the ground of a material irregularity in publishing or conducting it.

Provided that no sale shall be set aside on the ground of a material irregularity unless the applicant proves by direct evidence to the satisfaction of the Court that he has sustained substantial injury by reason of such irregularity.

(2) The mere fact that a material irregularity has been committed and that an inadequate price has been obtained for the property shall not entitle the Court to presume that the price was inadequate by reason of the irregularity.

Explanation.—For the purposes of this section, a default in making the deposit required by section 305 is a material irregularity.

313. The purchaser at any sale in execution of a decree may at any time within sixty days from the date of the sale, apply to the Court to set aside the sale, on the ground that the person whose property purported to be sold, had no saleable interest therein.

Explanation I.—For the purposes of this section, a misrepresentation or concealment inducing the purchaser to buy property for more than its real value is not a ground for applying to the Court to set aside a sale.

Explanation II.—For the purposes of this section, a mortgagor has, within the meaning of this section, a saleable interest in the mortgaged property, even though a decree for enforcement of the mortgage has been obtained and although the amount due under such mortgage may exceed the value of the property.

312. (1) Where no application is made under section 310A, section 313, or where such an application is made and disallowed, or where the deposit referred to in section 310A, sub-section (1), has not been made within thirty days from the date of sale, the sale as regards the parties to the suit and the purchaser shall become absolute.

(2) Where such application is made and allowed, and the deposit (if any) required by section 310A, sub-section (1), is made within thirty days from the date of sale, the Court shall pass an order setting aside the sale:

Provided that no such order shall be made on an application under section 313 unless the judgment-debtor and the decree-holder have had an opportunity of being heard against the application.

(3) No suit to set aside, on the ground of any such irregularity as is referred to in section 311, an order made under this section shall be brought by any party against whom the sale has become absolute under this section.

315. (1) The purchaser shall be entitled to receive back his purchase-money, with or without interest as the Court may direct, from any person to whom it has been paid,—

(a) where a sale of immovable property is set aside under section 312.

(b) where it is found that the judgment-debtor had no saleable interest in the property which purported to be sold and the purchaser is for that reason deprived of it.

(2) The finding referred to in sub-section (1), clause (b), shall, if arrived at in a separate suit or other proceeding in a competent Court to which the person against whom it is sought to enforce such repayment was a party, or of which he had notice, be binding on the Court.

(3) Where no such finding as is referred to in sub-section (2), has been so arrived at, the Court shall, upon the application of the purchaser, inquire into the matter as though it were a suit, and its finding thereon shall have the force of a decree:

Provided that, where a competent Court has found the judgment-debtor to have no saleable interest in the property and the purchaser has in fact been for that reason deprived of it, the Court shall presume such finding to be correct, even though the person from whom it is sought to recover the purchase-money, was not a party to, or had no notice of, the suit or other proceeding in which such finding was given.

(4) The repayment of such purchase-money as aforesaid and of the interest (if any) allowed

S. 314 has been omitted altogether.

the Court may be enforced in the manner hereinbefore provided for the execution of decrees for the payment of money.

316. (1) Where a sale of immoveable property has become absolute under section 312, sub-section (1), the Court shall, upon payment by the purchaser of such stamp-duty as may be prescribed by the law for the time being in force in this behalf, grant a certificate specifying the property sold and the name of the person who at the time of sale is declared to be the purchaser.

(2) Every certificate granted under sub-section (1) shall bear date the day on which the sale became absolute under section 312, sub-section (1), and a copy thereof shall be sent by the Court, in accordance with the provisions of section 89 of the Indian Registration Act, 1877, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property specified in the certificate is situate; and, so far as regards the parties to the suit and persons claiming through or under them, the title to the property sold shall vest in the purchaser from the date of such certificate and not before:

Provided that the decree under which the sale took place was still subsisting at that date.

Explanation.—For the purposes of this section, a decree is still subsisting, if it has not been reversed by competent authority, even though, at the time of the sale, the execution of it may have been barred by the law of limitation for the time being in force.

317. (1) No suit shall be maintained against a certified purchaser on the ground that the purchase was made on behalf of any other person, or on behalf of some one through whom such other person claims.

(2) Nothing in this section shall be deemed to bar a suit to obtain a declaration that the name of the certified purchaser was inserted in the certificate fraudulently or without the consent of the real purchaser, or a suit on behalf of a third person to obtain a declaration that the property, though ostensibly sold to the certified purchaser, is liable to satisfy a claim of such third person against the beneficial owner.

318. (1) Where the immoveable property sold is in the occupancy of the judgment-debtor or of some person on his behalf or of some person claiming under a title created by the judgment-debtor, and subsequently to the attachment of such property, a certificate in respect thereof has been granted under section 316, the Court shall, on the application of the purchaser made within three months from the date of the certificate,

order delivery to be made by putting the purchaser or any person whom he may appoint to receive delivery on his behalf in possession of the property, and, if necessary, by removing any person who refuses to vacate the same.

(2) Any question arising under this section shall, where the decree-holder is the purchaser, be deemed, within the meaning of section 244, to be a question to be determined by order of the Court executing the decree and not by separate suit.

319. Where the property sold is in the occupancy of a tenant or other person entitled to occupy the same, and a certificate in respect thereof has been granted under section 316, the Court shall order delivery thereof to be made by affixing a copy of the certificate of sale in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or other customary mode, at some convenient place, that the interest of the judgment-debtor has been transferred to the purchaser.

320. (1) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare that in any local area the execution of decrees in cases in which a Court has ordered any immoveable property to be sold, or the execution of any particular kind of such decrees, or the execution of decrees ordering the sale of any particular kind of, or interest in, immoveable property, shall be transferred to the Collector.

(2) The Local Government may also, notwithstanding anything hereinbefore contained, by a like notification make rules for the transmission of such decrees from the Court to the Collector, and for regulating the procedure of the Collector and his subordinates in executing the same and re-transmitting them to the Court.

(3) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) confer upon the Collector or any gazetted subordinate of the Collector all or any of the powers which the Court might exercise in the execution of such decrees if their execution had not been transferred to the Collector including the powers of the Court under sections 294 and 312; and

(b) provide for orders made by the Collector or any gazetted subordinate of the Collector, or orders made on appeal with respect to such order being subject to appeal to, and revision

*The Code of Civil Procedure, 1901.***(Part I.—Of Suits in General.—Chapter XIX.—Of the Execution of Decrees.—Sections 321—322B.)**

by, the superior revenue-authorities as nearly as may be as the orders made by the Court, or orders made on appeal with respect to such orders, would be subject to appeal and revision under this Code or any other law for the time being in force, if such decrees had not been transferred to the Collector.

(4) A power conferred by such rules upon the Collector or any gazetted subordinate of the Collector, or upon any appellate or revisional authority, shall not be exercisable by the Court or by any Court in exercise of any appellate or revisional jurisdiction which it has with respect to decrees or orders of the Court.

(5) The Court shall be precluded from exercising any jurisdiction with respect to any matter relating to the exercise, by the Collector or any gazetted subordinate of the Collector, of all or any of the powers vested in him in regard to any decree transferred under this section; but it shall not be precluded from exercising, in any other matter, all or any of the powers vested in it, notwithstanding that the decree has been so transferred: and a civil suit shall lie with respect to anything done by the Collector or by any gazetted subordinate of the Collector with respect to which, if it had been done by the Court acting within its jurisdiction, a civil suit would have been maintainable.

(6) In executing a decree transferred to the Collector under this section the Collector and his subordinates shall be deemed to be acting judicially within the meaning of the Judicial Officers Protection Act, 1850.

321. Where the execution of a decree has been transferred to the Collector under section 320, the Collector may—

Procedure on transfer of decree to Collector for execution.

- (a) proceed as the Court would proceed under section 305; or
- (b) raise the amount of the decree by letting in perpetuity, or for a term, on payment of a premium, or by mortgaging, the whole or any part of the property ordered to be sold; or
- (c) sell the property ordered to be sold or so much thereof as may be necessary.

322. Where the execution of a decree, not being a decree ordering the sale of immoveable property in pursuance of a contract specifically affecting the same, but being a decree for the payment of money in satisfaction of which the Court has ordered the sale of immoveable property, has been so transferred, the Collector, if, after such inquiry as he thinks necessary, he has reason to believe that all the liabilities of the judgment-debtor can be discharged without a sale of the whole of

his available immoveable property, may proceed as hereinafter provided.

322A. (1) In any such case as is referred to in section 322, the Collector or shall publish a notice in the language of the district, allowing a period of sixty days from the date of its publication for compliance and calling upon—

Notice to be given to decree-holders and to persons having claims on property.

- (a) every person holding a decree for the payment of money against the judgment-debtor capable of execution by the sale of his immoveable property, and which such decree-holder desires to have so executed, and every holder of a decree for the payment of money in execution of which proceedings for the sale of such property are pending, to produce before the Collector a copy of the decree, and a certificate from the Court which passed or is executing the same, declaring the amount recoverable thereunder;
- (b) every person having any claim on the said property to submit to the Collector a statement of such claim, and to produce the documents (if any) by which it is evidenced.

(2) Such notice shall be published by being affixed on a conspicuous part of the court-house of the Court which made the original order under section 304, and in such other places (if any) as the Collector thinks fit; and, where the address of any such decree-holder or claimant is known, a copy of the notice shall be sent to him by post or otherwise.

322B. (1) Upon the expiration of the period fixed by section 322A, sub-section (1), the Collector shall appoint a day for hearing any representations which the judgment-debtor and the decree-holders or claimants (if any) may desire to make, and for holding such inquiry as he may deem necessary for informing himself as to the nature and the extent of such decrees and claims and of the judgment-debtor's immoveable property, and may, from time to time, adjourn such hearing and inquiry.

(2) Where there is no dispute as to the facts or extent of the liability of the judgment-debtor to any of the decrees or claims of which the Collector is informed, or as to the relative priorities of such decrees or claims, or as to the liability of any such property for the satisfaction of such decrees or claims, the Collector shall draw up a statement, specifying the amount to be recovered for the discharge of such decrees, the order in which such decrees

Amount of decrees for payment of money to be ascertained, and immoveable property available for their satisfaction.

and claims are to be satisfied, and the immoveable property available for that purpose.

(3) Where any such dispute arises, the Collector shall refer the same, with a statement thereof and his own opinion thereon, to the Court which made the original order under section 304, and shall, pending the reference, stay proceedings relating to the subject thereof; and the Court shall dispose of the dispute if the matter thereof is within its jurisdiction, or transmit the case to a competent Court for disposal, and the final decision shall be communicated to the Collector, who shall then draw up a statement as provided by sub-section (2) in accordance with such decision.

322C. The Collector may, instead of himself

Where District Court issuing the notices and may issue notices and holding the inquiry required by sections 322A and 3.2B, draw up a statement specifying the circumstances of the judgment-debtor and of his immoveable property so far as they are known to the Collector or appear from the records of his office, and forward such statement to the District Court; and such Court shall thereupon issue the notices, hold the inquiry and draw up the statement required by sections 322A and 322B, and transmit such statement to the Collector.

322D. The decision by the Court of any dispute arising under section 322B or section 322C shall, as between the parties thereto, have the force of, and be applicable as, a decree.

Effect of decision of Court as to dispute arising under section 322B or 322C.

323. (1) Where the amount to be recovered and the property available have been determined as provided by section 322B or section 322C, the Collector may,—

(a) if it appears that the amount cannot be recovered without the sale of the whole of the property available, proceed to sell such property;

(b) if it appears that the amount with interest (if any) in accordance with the decree, and, when not decreed, with interest (if any) at such rates as he thinks reasonable, may be recovered without such sale, raise such amount and interest (notwithstanding any order under section 304)—

(i) by letting in perpetuity or for a term, on payment of a premium, the whole or any part of the said property, or

(ii) by mortgaging the whole or any part of such property, or

(iii) by selling part of such property, or

(iv) by letting on farm, or managing by himself or another, the whole or any part of such property for any term not exceeding twenty years from the date of the order of sale, or

(v) partly by one and partly by another or others of such modes;

(c) for the purpose of managing under this section the whole or any part of such property, exercise all the powers of its owner;

(d) for the purpose of improving the saleable value of the property available or any part thereof, or of rendering it more suitable for letting or managing, or of preserving the property from sale in satisfaction of an incumbrance, discharge the claim of any incumbrancer which has become payable, or compound the claim of any incumbrancer, whether it has become payable or not;

(e) for the purpose of providing funds to effect such discharge or composition, mortgage, let or sell any portion of the property which he deems sufficient; and,

(f) if any dispute arises as to the amount due on any incumbrance with which he proposes to deal under clause (d) or (e), institute a suit in the proper Court, either in his own name or the name of the judgment-debtor, to have an account taken, or agree to refer such dispute to the decision of two arbitrators, one to be chosen by each party, or of an umpire to be named by such arbitrators.

(2) In proceeding under sub-section (1), clause (b), clause (c) or clause (d), the Collector shall be subject to such rules, consistent with this Act, as may from time to time be made in this behalf by the Chief Controlling Revenue-authority.

324. Where on the expiration of the letting or

Recovery of balance management under section (if any) after letting or 323 the amount to be management. recovered has not been realised, the Collector shall notify the fact in writing to the judgment-debtor or his representative in interest, stating at the same time that, if the balance necessary to make up the said amount is not paid to the Collector within six weeks from the date of such notice, he will proceed to sell the whole or a sufficient part of the said property; and, if on the expiration of the said six weeks the said balance is not so paid, the Collector shall sell such property or part accordingly.

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(Part I—Of Courts in General—Chapter XIX—Of the Execution of Decrees and Orders—Sections 324A-326.)

324A. (1) The Collector shall, from time to time, render to the Court which made the original order under section 304 an account of all moneys which come to his hands and of all charges incurred by him in the exercise and performance of the powers and duties conferred and imposed on him under the provisions of this Chapter, and shall hold the balance at the disposal of the Court.

(2) Such charges shall include all debts and liabilities from time to time due to the Government in respect of the property or any part thereof, the rent (if any) from time to time due to a superior holder in respect of such property or part, and, if the Collector so directs, the expenses of any witnesses summoned by him.

(3) Such balance shall be applied by the Court—

(a) in providing for the maintenance of such members of the judgment-debtor's family (if any) as are entitled to be maintained out of the income of the property, to such amount in the case of each member as the Court thinks fit; and, after making such provision

(b) where the Collector has proceeded under section 321, in satisfaction of the original decree in execution of which the Court ordered the sale of immoveable property, or otherwise as the Court may under section 295 direct; or,

(c) where the Collector has proceeded under section 322,—

(i) in keeping down the interest on, incumbrances on the property;

(ii) where the judgment-debtor has no other sufficient means of subsistence, in providing for his subsistence to such amount as the Court thinks fit; and

(iii) in discharging rateably the claims of the original decree-holder and any other decree-holders who have complied with the said notice, and whose claims were included in the amount ordered to be recovered.

(4) No other holder of a decree for the payment of money shall be entitled to be paid out of such property or balance until the decree-holders who have obtained the order for sale under section 304 have been satisfied, and the residue (if any) shall be paid to the judgment-debtor or such other person as the Court directs.

325. Where the Collector sells any property under this Chapter, he shall put it up to public auction, in one or more lots, as he thinks fit, and may—

(a) fix a reasonable reserved price for each lot;

(b) adjourn the sale for a reasonable time, whenever, for reasons to be recorded, he deems the adjournment necessary for the purpose of obtaining a fair price for the property;

(c) buy in the property offered for sale, and re-sell the same by public auction or private contract, as he thinks fit.

325A. (1) So long as the Collector can exercise or perform in respect of the judgment-debtor's immoveable property, or any part thereof, any of the powers or duties conferred or imposed on him by sections 322 to 325, the judgment-debtor or his representative in interest shall be incompetent to mortgage, charge, lease or alienate such property or part except with the written permission of the Collector, nor shall any Civil Court issue any process against such property or part in execution of a decree for the payment of money.

(2) During such period as aforesaid no Civil Court shall issue any process of execution either against the judgment-debtor or his property in respect of any decree for the satisfaction whereof provision has been made by the Collector under section 323.

(3) Such period as aforesaid shall be excluded in the calculation of the period of limitation applicable to the execution of any decree affected by the provisions of this section in respect of any remedy of which the decree-holder has been temporarily deprived.

325B. Where the property of which the sale has been ordered is situated in more districts than one, the powers and duties conferred and imposed on the Collector by sections 321 to 325 shall, from time to time, be exercised and performed by such one of the Collectors of the said districts as the Local Government may by general rule or special order direct.

325C. In exercising the powers conferred on him by sections 322 to 325, the Collector shall have the powers of a Civil Court to compel the attendance of parties and witnesses and the production of documents.

326. (1) Where, in any local area in which no declaration under section 320 is for the time being in force, the property

attached consists of land or of a share in land, and the Collector represents to the Court that the public sale of the land or share is objectionable and that satisfaction of the decree may be made within a reasonable period by a temporary alienation or management of the land or share, the Court may authorize the Collector to provide for such satisfaction in the manner recommended by him, instead of proceeding to a sale of the land or share.

(2) In every such case the provisions of section 320, sub-section (2), to section 325C shall, so far as they are applicable, be deemed to apply.

327. The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, make rules for any local area imposing conditions in respect of the sale of any class of interests in land in execution of decrees for the payment of money, where such interests are so uncertain or undetermined as, in the opinion of the Local Government, to make it impossible to fix their value.

Resistance to execution

328. (1) Where, in the execution of a decree for the possession of property, the officer charged with the execution of the warrant is resisted or obstructed by any person, the decree holder may complain to the Court at any time within one month from the time of such resistance or obstruction.

(2) The Court shall fix a day for investigating the complaint, and shall summon the person against whom the complaint is made to answer the same.

329. Where the Court is satisfied that the obstruction or resistance was occasioned by the judgment-debtor or by some other person at the instigation of the judgment-debtor, the Court shall inquire into the matter of the complaint, and pass such order as it thinks fit.

330. Where the Court is satisfied that the resistance or obstruction was without any just cause, and that the complainant is still resisted or obstructed in obtaining possession of the property by the judgment-debtor or by some other person at the instigation of the judgment-debtor, the Court may, at the instance of the decree-holder and without prejudice to any proceedings to which such judgment-debtor or other person may be liable, under the Indian Penal Code or any other law for the time being in force, for the punishment of such

resistance or obstruction, sentence the judgment-debtor or such other person for such offence to imprisonment for a term which may extend to thirty days, and further direct that the decree-holder be put into the possession of the property.

331. (1) Where the Court is satisfied that

the resistance or obstruction was occasioned by any person (other than the judgment-debtor) claiming in good faith to be in possession of the property on his own account or on account of some person other than the judgment-debtor, the claim shall be numbered and registered as a suit between the decree holder as plaintiff and the claimant as defendant.

(2) The Court shall, without prejudice to any proceedings to which the claimant may be liable, under the Indian Penal Code or any other law for the time being in force, for the punishment of such resistance or obstruction, proceed to investigate the claim so numbered and registered in the same manner and with the like power as if a suit for the property had been instituted by the decree-holder against the claimant under the provisions of Chapter V, and shall pass such order as it thinks fit for executing, or staying the execution of, the decree.

(3) Every such order shall have the same force as a decree, and shall be subject to the same conditions as to appeal or otherwise.

(4) Where the subject-matter of the claim would, if a separate suit had been instituted have been within the pecuniary limits of the jurisdiction of the Court and would not have been excluded from such jurisdiction but for the provisions of section 15, the order shall have the same force as a decree in a suit for the declaration of title.

(5) In any other case other than that provided for by sub-section (4), the order shall have the same force as a decree in a suit for the immediate possession of property under the provisions of Chapter I of the Specific Relief Act, 1877.

332. (1) Where any person other than the judgment-debtor is dispossessed of any property in execution of a decree and disputes the right of the decree-holder to dis-

possess him of such property under the decree, or the ground that the property was in his possession in good faith on his own account or on account of some person other than the judgment-debtor and that it was not comprised in the decree, or that, if it was comprised in the decree, he was not a party to the suit in which the decree was passed, he may apply to the Court.

(2) Where it appears to the Court, after examining the applicant, that there is probable cause for making the application, the Court shall

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proceed to investigate the matter in dispute and, if it finds that any of the grounds of dispute mentioned in sub-section (1) exists, it shall make an order that the applicant recover possession of the property, and, if it does not find as aforesaid, it shall dismiss the application.

(3) In hearing applications under this section, the Court shall confine itself to the grounds of dispute mentioned in sub-section (1).

(4) The person against whom an order is made under this section, may institute a suit to establish the right which he claims to the present possession of the property; but, subject to the result of such suit (if any), the order made under this section shall be final.

333. Nothing in section 331 or section 332 shall be deemed to apply to a person to whom the judgment-debtor has transferred the property after the institution of the suit in which the decree is passed.

334. Where the purchaser of any immoveable property sold in execution of a decree is resisted or obstructed by the judgment-debtor or by some other person at the instigation of the judgment-debtor in obtaining possession of the property, the provisions of this Chapter relating to resistance or obstruction to a decree-holder in obtaining possession of the property adjudged to him shall, so far as they are applicable, be deemed to apply.

335. (1) Where the purchaser of any such property is resisted or obstructed by any person (other than the judgment-debtor) claiming in good faith a right to the present possession thereof, or where, in delivering possession thereof, any such person is dispossessed, the Court, on the complaint of the purchaser or the person so dispossessed, shall inquire into the matter of the resistance, obstruction or dispossession, as the case may be, and make such order thereon as it thinks fit.

(2) The person against whom an order is made under this section, may institute a suit to establish the right which he claims to the present possession of the property; but, subject to the result of such suit (if any), the order so made shall be final.

335A. Save in a criminal proceeding, or in the course of any such suit as is referred to in section 332 or section 335, no Court shall, for the purpose of granting any relief or of giving the benefit of any defence, recognise any assertion of resistance,

obstruction or dispossession with respect to which the party relying upon such assertion or his predecessor in title might, with the exercise of reasonable care and diligence, have sought any of the remedies provided by sections 328 to 335.

Arrest and imprisonment.

336. (1) A judgment-debtor may be arrested in execution of a decree at any hour and on any day, and shall, as soon as practicable, be brought before the Court, and his detention may be in the prison of the district in which the Court ordering the detention is situate, or, where such prison does not afford suitable accommodation, in any other place which the Local Government may appoint for the detention of persons ordered by the Courts of such district to be detained under this Code:

Provided, first, that, for the purpose of making an arrest under this section, no dwelling-house shall be entered after sunset or before sunrise, and no outer door of a dwelling-house shall be broken open; but, when the officer authorized to make the arrest has duly gained access to any dwelling-house, he may break open the door of any room in which he has reason to believe the judgment-debtor is to be found:

Provided, secondly, that, if the room is in the actual occupancy of a woman who is not the judgment-debtor and who according to the customs of the country does not appear in public, the officer authorized to make the arrest shall give notice to her that she is at liberty to withdraw, and, after allowing a reasonable time for her to withdraw and giving her every reasonable facility for withdrawing, may enter the room for the purpose of making the arrest:

Provided, thirdly, that, where the decree in execution of which a judgment-debtor is arrested, is a decree for the payment of money and the judgment-debtor pays the amount of the decree and the costs of the arrest to the officer arresting him, such officer shall at once release him.

(2) The Local Government may, by notification in the local official Gazette, declare that any person or class of persons whose summary arrest might be attended with danger or inconvenience to the public shall not be liable to arrest in execution of a decree otherwise than in accordance with such procedure and after notice to such person as may be prescribed by rules made by the Local Government in this behalf.

(3) The Local Government may in like manner direct that, whenever a judgment-debtor is arrested in execution of a decree for the payment of money and is brought before the Court under this section, the Court shall inform him that he may apply under Chapter XX to be declared insolvent, and that he will be discharged if he

not committed any act of bad faith regarding subject of his application and if he places all property in the possession of a receiver appointed by the Court.

(4) Where a notification under sub-section (1) is for the time being in force, if a judgment-debtor expresses his intention to apply under Chapter XX to be declared an insolvent and furnishes security, to the satisfaction of the Court, that he will appear when called upon and that he will within one month so apply, the Court shall release him from arrest: and, if he fails so to apply, the Court may either direct the security to be realized or commit him to prison in execution of the decree.

(5) In the case of a surety such security as aforesaid may be realized in the manner hereinbefore provided by section 253.

337. Every warrant for the arrest of a judgment-debtor shall direct the officer entrusted with its execution to bring the judgment-debtor before the Court with all convenient speed, unless the amount which he has been ordered to pay, together with the interest thereon and the costs (if any) to which he is liable, are sooner paid.

337A. (1) Where a judgment-debtor appears before the Court in obedience to a notice issued under section 245B, or is brought before the Court after being arrested in execution of a decree for the payment of money, and it appears to the Court that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree or, if that amount is payable by instalments, the amount of any instalment thereof, the Court may, upon such terms (if any as it thinks fit, make an order disallowing the application for his arrest and detention, or directing his release, as the case may be.

(2) Before making an order under sub-section (1), the Court may take into consideration any allegation of the decree-holder touching any of the following matters, namely:—

(a) the decree being for a sum for which the judgment-debtor was bound in any fiduciary capacity to account;

(b) the transfer, concealment or removal by the judgment-debtor of any part of his property after the date of the institution of the suit in which the decree was passed, or the commission by him after that date of any other act of bad faith in relation to his property, with the object or effect of obstructing or delaying the decree-holder in the execution of the decree.

(c) any undue or unreasonable preference given by the judgment-debtor to any one of his other creditors;

(d) refusal or neglect on the part of a judgment-debtor to pay the amount of the decree or some part thereof although he has, or since the date the decree has had, the means of paying it;

(e) the likelihood of the judgment-debtor absconding or leaving the jurisdiction of the Court with the object or effect mentioned in clause (b).

(3) While any of the matters mentioned in sub-section (2) are being considered, the Court may, in its discretion, order the judgment-debtor to be detained in prison or leave him in custody of an officer of the Court, or release him on his furnishing security, to the satisfaction of the Court, for his appearance when required by the Court.

(4) A judgment-debtor released under section may be re-arrested.

(5) Where the Court does not make an order under sub-section (1), it shall cause the judgment-debtor to be arrested if he has not already been arrested and, subject to the other provisions of this Code, commit him to prison.

338. (1) The Local Government may prescribe scales, graduated according to rank, race and nationality, of monthly allowances payable for the subsistence of judgment-debtors.

(2) No judgment-debtor shall be arrested in execution of a decree unless and until the decree-holder pays into Court such sum as, in regard to the scales so fixed, the Judge thinks sufficient for the subsistence of the judgment-debtor from the time of his arrest until he is brought before the Court.

(3) Where a judgment-debtor is committed to prison in execution of a decree, the Court shall provide for his subsistence such monthly allowance as may be entitled to according to the said scales, or, where no such scales have been fixed, such allowance as the Court considers sufficient with reference to the class to which he belongs.

(4) The monthly allowance fixed by the Court shall be supplied by the party on whose application the decree has been executed, by making payments in advance before the first day of each month.

(5) The first payment shall be made by the proper officer of the Court for such portion of the current month as remains unexpired before the judgment-debtor is committed to prison, and subsequent payments (if any) shall be made by the officer in charge of the prison.

Chapter XX.—Of Insolvency.—Sections 342-345.

Sums disbursed by the decree-holder for subsistence of the judgment-debtor in prison shall be deemed to be costs in the suit:

Provided that the judgment-debtor shall not be released in prison or arrested on account of sums so disbursed.

(1) Every person detained in prison in execution of a decree shall be so detained, —

(a) where the decree is for the payment of a sum of money not exceeding fifty rupees, for a period of six months, and

(b) in any other case, for a period of six weeks:

Provided that he shall be released from detention before the expiration of the period of six months or six weeks, as the case may be, —

(i) on the amount mentioned in the warrant for his detention being paid to the officer in charge of the prison; or

(ii) on the decree against him being otherwise fully satisfied; or

(iii) on the request of the person on whose application he has been so detained; or

(iv) on the omission by the person on whose application he has been so detained, to pay the subsistence-allowance as provided by section 339; or

(v) on his being declared an insolvent as provided by Chapter XX:

Provided, also, that he shall not be released from such detention under clause (ii), clause (iii), or clause (v), without the order of the Court.

A judgment-debtor released from detention under this section shall not be discharged from his debt, but he shall not be liable to be re-arrested under the decree in execution of which he was detained in prison.

Return of warrant for execution of decree.

(1) The officer entrusted under section 250, sub-section (2), with the execution of the warrant shall endorse thereupon the day on, and the manner in which it was executed, and, if the latest day specified in the warrant for the return thereof has been exceeded, the reason of the delay, or, if it was not executed, the reason why it was not executed, and shall return the warrant with such endorsement to the Court.

Where the endorsement is to the effect that the officer is unable to execute the warrant, the Court shall examine him on oath touching his inability, and may, if it thinks fit, summon and examine witnesses as to such inability, and record the result.

See clause 319 (6).

See the provisions to clause 342 (r) and clause

CHAPTER XX.
OF INSOLVENCY.

344. (1) Save as otherwise provided by sub-section (3), the Local Government may, by notification in the local official Gazette, invest any Court or class of Courts with power to exercise jurisdiction in any case or class of cases instituted under this Chapter in any local area specified in the notification.

(2) Subject to any rules made by the Local Government in this behalf by a like notification, a Court invested with power under sub-section (1) may transfer any case or class of cases to any Court subordinate to it and invested with powers to exercise jurisdiction in such case or class of cases, and shall have in regard to any case pending before it, all the powers conferred by section 25 on a High Court or District Court.

(3) Nothing contained in this Chapter shall be deemed to apply to any Court having jurisdiction within the towns of Calcutta, Madras, Bombay or Rangoon, or to limit or otherwise affect anything done by any such Court in the exercise of any power conferred by the Indian Insolvency Act, 1848, or by section 1 of the Lower Burma Courts Act, 1900.

345. A debtor commits an act of insolvency in each of the following cases, namely:—

(a) if in British India or elsewhere he makes a conveyance, or assignment of the whole of his property to a trustee or trustees for the benefit of his creditors severally, even though there is no fraud; or

(b) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or other transfer of his property or any part thereof; or

(c) if in British India or elsewhere he makes any conveyance or other transfer of his property or any part thereof, or creates any charge thereon which would amount to a fraudulent preference; or

(d) if with intent to defeat or delay his creditor or creditors,—

(i) he departs or remains out of British India; or

(ii) he departs from his dwelling-house or otherwise absents himself; or

(iii) he secludes himself in his house in order to deprive his creditors of the means of communicating with him; or

(e) if any of his property has been attached and sold by order of any Court; or

(f) if he applies to be declared an insolvent under the provisions of section 2 of sub-section (1); or

(g) if he gives notice to any of his creditors that he has suspended, or

346. (1) Any debtor may apply to be declared an insolvent, if—

- (a) his debts exceed five hundred rupees or, in the case of an agriculturist, fifty rupees, or
- (i) he has been arrested or confined in prison in execution of a decree for the payment of money, or
- (c) an order of attachment in execution of such a decree has been made, and is subsisting, against his property.
- (2) Any creditor or creditors—
- (a) to whom a sum, or sums in the aggregate, exceeding five hundred rupees is or are due from a debtor, or
- (b) who has or have obtained against a debtor a decree for the payment of money,

may apply that such debtor be declared an insolvent on the ground that he has committed an act of insolvency within the meaning of section 345.

(3) Every application under this section shall be in writing and shall be made to the Court within the local limits of whose jurisdiction the debtor actually and voluntarily resides or carries on business or personally works for gain or, if he has been arrested or confined in prison, where he is in custody.

347. (1) Every application made by a debtor under section 346, sub-section (1), shall set forth,—

- (a) the fact that he is or is not an agriculturist;
- (b) the place where he actually and voluntarily resides or carries on business or personally works for gain or, if he has been arrested or confined in prison, the place where he is in custody;
- (c) the Court (if any) by whose order he has been arrested or is confined in prison or by which an order has been made for the attachment of his property;
- (d) the amount and particulars of all pecuniary claims against him, together with the names and residences of his creditors so far as they are known to, or can by the exercise of reasonable care and diligence be ascertained by, him;
- (e) the amount and particulars of all his property together with—
 - (i) a specification of the value of all such property not consisting of money;
 - (ii) the place or places at which all his property is to be found; and
 - (iii) a declaration of his willingness to place all his property at the disposal of the Court save in so far as it includes any of the particulars specified in

the first proviso (except clause (a) of the proviso).

(2) Every application made by a creditor under section 346, sub-section (1), shall set forth the particulars specified in clauses (a) and (b) of sub-section (1), and shall also specify—

- (a) the act of insolvency committed by the debtor;
- (b) the amount and particulars of his pecuniary claim or claims against such debtor; and
- (c) the date of the decree (if any) obtained against him or them against him together with the name of the Court passing the decree and the amount remaining due thereunder.

(3) Every application made under section 346 shall be signed and verified in the manner hereinbefore prescribed for signing and verifying plaints; and the procedure laid down in sections 53 to 57A with respect to the filing, return or amendment of plaints, so far as it is applicable, be followed in the case of such applications.

348. (1) Where the application is rejected or returned under section 347, sub-section (3), or where it is admitted after having been so returned, the Court shall, unless for some reason to give previous notice to any creditor is direct by *ex parte* order—

- (a) that all the debtor's property, other than the particulars specified in the first proviso to section 266 (except clause (a) of the said proviso), is committed, in trust for the creditors, in the Court or, subject to any rules which the Local Government may, by notification in the official Gazette, make in this behalf, in such officer as the Court may direct by general or special order, direct;
- (b) that such property and the person of the debtor shall be exempt from all execution or other legal process except process issued by the Court in the exercise of its powers under this Chapter; and
- (c) that notice be given, in the manner provided by sub-section (3), to all creditors to notify to the Court, on or before a day specified in the notice, any debts provable against the debtor under this Chapter.

(2) At the time of making the order under sub-section (1) or at any time afterwards, the Court may, in its discretion, require the debtor to give reasonable security for his appearance and may direct that, in giving such security, he shall be detained in prison.

(3) Notice of the order under sub-section (1), shall be given by publication in the local official Gazette, and such notice

exclusive proof of notice to any creditor and thereupon, subject to the provisions of section 360-I, unless and until such creditor is discharged, no Court, other than the Court giving the notice, shall, except in a proceeding or by leave of the Court giving the notice and on such terms as the Court impose, recognize, for the purpose of granting any relief or of giving effect to any judgment, any assertion of a pecuniary claim of the debtor, which after such notice, has not been proved, under this Chapter, in the Court giving the notice.

Nothing contained in sub-section (3) shall be deemed to limit or otherwise affect the power of the Court to give to any creditor creditors such additional notice, whether by ordinary forms of process or by registered letter or by public advertisement or otherwise, as, subject to any rules which the Local Government may, by notification in the local official Gazette, make in this behalf, the Court consider expedient.

Where the debtor is not the applicant, notice shall be given to him or to his pleader in the manner provided by Chapter VI for the service of process.

All expenses incidental to the giving of notice under sub-sections (3) to (5) shall be paid by, and be recoverable from, the applicant. Costs:

Provided that, where the applicant is the debtor, the Court may exempt him from all payment under this section if it is satisfied that he is unable to make them.

Nothing in this section shall be deemed to authorize the making of an order under section (1) against any corporation, company, partnership or firm.

(1) Every debtor against whom an order under section 348 has been made.

unless he is prevented by sickness or other sufficient cause or unless the Court is satisfied to dispense with his personal attendance, shall attend on the day specified in the order referred to in clause (a) of sub-section (1) of the said section and on any subsequent day to which the proceedings may be adjourned, and shall at all times submit to such examination and give such information as the Court may require.

In particular and without prejudice to the generality of the foregoing provision, the debtor shall give such inventories of his property and such lists of his creditors and debtors and of the debts due to and from them as the Court may require, and shall, in person or by receiver, execute such powers of sale, conveyances deeds and instruments, and shall generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the Court, or by the Court or receiver or, as may be directed by any rules which the Local Government may, by notification in the local official Gazette, make in this behalf, be, by order of the Court, directed by the Court.

(2) The debtor shall, if declared insolvent, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

(4) If a debtor wilfully fails—

(a) to perform the duties imposed on him by this section, or

(b) to deliver possession of any of his property which is divisible among his creditors under this Chapter, and which is for the time being in his possession or under his control,

he shall, in addition to any other punishment to which he may be liable, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

350. Where there is probable reason for believing that the debtor, with intent to defeat or delay his creditors or to avoid any process of the Court,—

(a) has absconded or has departed from the local limits of the jurisdiction of the Court, or is about to abscond or depart from such limits, or is remaining outside them, or

(b) has concealed, destroyed, transferred, removed from such limits, or is about to conceal, destroy, transfer, remove from such limits, any documents likely to be of use to his creditors in the course of the hearing, or any part of his property other than any of the particulars specified in the first proviso to section 265 (except clause (d) of the said proviso);

the Court may, either of its own motion or on the application of any creditor, order attachment by actual seizure of all or any documents in the possession or under the control of the debtor, or of the whole or any part of his property other than any of the particulars specified in the first proviso to section 265 (except clause (d) of the said proviso), and may also issue a warrant, with or without security, for his arrest, and may direct either that he be detained in prison until the disposal of the application, or that he be charged on such terms as to security as may be reasonable and necessary.

351. (1) On the day specified in the notice referred to in section 348, sub-section (1), or on any subsequent day to which the hearing may be adjourned, the Court shall examine the debtor on oath in presence of such creditors as may attend in person or by pleader, and shall hear such creditors or their pleaders in opposition to the debtor's discharge.

(2) The Court may, if it thinks fit, call on the debtor to receive, or grant time to the debtor or to any creditor to produce, any evidence which appears to it to be necessary for the proper disposal of the application.

(3) A memorandum of the substance of the examination on oath of the debtor shall be made.

tion (1) and of any oral evidence adduced under sub-section (2) shall be recorded in the manner provided by section 189 in cases in which no appeal is allowed.

352. (1) Where, after the examination of the debtor and such further inquiry (if any) as may be made under section 351, sub-section (2), or at any earlier stage of the case, the Court is satisfied that there is no sufficient ground for proceeding, it shall dismiss the application and discharge the order made under section 348, sub-section (1).

(2) Where an application presented by a creditor is dismissed under sub-section (1) and the Court is satisfied that the application was frivolous or vexatious, the Court may, on the application of the debtor, award against such creditor such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the debtor for the expense or injury occasioned to him by the application and the proceedings thereon:

Provided that the Court shall not award under this sub-section a larger amount than it might decree in a suit for compensation;

Provided, also, that an award under this sub-section shall bar any suit for compensation in respect of such application and proceedings thereon.

353. (1) Where the Court does not dismiss the application under section 352, the order made under section 348, sub-section (1), clauses (a) and (b), shall be made absolute, and the Court shall declare the debtor an insolvent.

(2) Notice that such order has been made absolute and that the debtor has been declared an insolvent shall be given in the manner hereinbefore provided for notice of the order made under section 348.

354. (1) The Court may, at the time of declaring the debtor an insolvent under section 353, sub-section (1), or at any time afterwards, appoint a receiver for the property vested in it, and such property shall be deemed to be transferred to, and to vest in, such receiver.

(2) Save in so far as is otherwise provided by sub-section (3), the provisions of section 503, sub-sections (2) and (4) shall so far as they are applicable, be deemed to apply to receivers appointed under this section.

(3) Where the debtor is an agriculturist, the receiver shall be such officer as is prescribed by any rules which the Local Government may, by notification in the local Gazette, make in this behalf, and shall, as may be otherwise provided by such rules, be entitled to no fee, commission or remuneration in respect of the administration of the estate.

(4) The receiver may, by leave of the Court, do all or any of the following things, namely:—

(a) exercise the business of the insolvent,

so far as may be necessary for the beneficial winding up of the

(b) institute, defend or continue any or other legal proceeding relating to the property of the insolvent;

(c) employ a pleader or other agent to take any proceedings or do any business which may be sanctioned by the Court;

(d) accept as the consideration for the sale of any property of the insolvent a sum of money payable at a future time subject to such stipulations as to security and otherwise as he thinks fit;

(e) mortgage or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts;

(f) refer any dispute to arbitration, promise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the insolvent and any person who may have incurred any liability to the insolvent, on receipt of such sums, payable at such times, and generally on such terms, as may be agreed upon;

(g) make such compromise or arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts which may be due under this Chapter;

(h) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the insolvent, made or capable of being made on the receiver by any person or by the receiver or any person;

(i) divide in its existing form amongst the creditors, according to its estimated value, any property which, from its peculiar nature or other circumstances, cannot be realised advantageously sold.

(2) The leave given for the purposes of this section shall not be a general leave for all or any of the above-mentioned things but shall only be leave to do the thing or things for which leave is given in the specified case or cases.

356. (1) Demands in the nature of unliquidated damages, other than by breach of a contract, promissory breach of trust shall not be provable in insolvency.

(2) A person having notice of any insolvency available against the debtor shall not prove under the order for any liability contracted by the debtor subsequent to the date of his so having

...as otherwise provided by sub-sections (1) and (2), all debts and liabilities, present or future, certain or contingent, to which the debtor is subject when he is declared insolvent or to which he may become subject before his discharge by reason of any transaction incurred before the date of such declaration, shall be deemed to be debts provable in insolvency.

An estimate shall be made by the Court or the receiver of the value of any debt or liability provable as aforesaid, which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

Any person aggrieved by any estimate made by a receiver under sub-section (4) may appeal to the Court.

Where, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in insolvency.

Where, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in insolvency.

Explanation.—For the purposes of this Act, liability includes any compensation for work or labour done, any obligation or liability of an obligation to pay money or the worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur, capable of occurring before the discharge of the debtor, and generally it includes any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of money or money's worth, whether the payment is, as respects amount, certain or unliquidated, as respects time, present or future, certain or dependent on any contingency or contingencies, and, as to mode of valuation, capable of being ascertained by the rules or as matter of opinion.

(1) A debt may be proved by delivering, or sending by post, to the Court or, where a receiver has been appointed, to the receiver, an affidavit verifying the debt.

A creditor shall, unless the Court otherwise directs, bear the costs of proving his debt.

(2) Where a secured creditor realizes his security, he may prove for the balance due to him, deducting the net amount realized.

Where a secured creditor surrenders his security to the Court or to the receiver for the general benefit of the creditors, he may prove for his whole debt.

(3) Where a secured creditor surrenders his security, he may either release or surrender his security, and shall, before ranking for dividend, submit his proof the particulars of his security, the date when it was given, and the value which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

(4) Where a security is so valued, the Court or the receiver may at any time redeem it on payment to the creditor of the assessed value; and, where the Court or the receiver is dissatisfied with the value at which a security is assessed, it or he may require that the property comprised in any security so valued shall be offered for sale at such times, and on such terms and conditions as may be agreed upon between the creditor and the Court or the receiver, or as, in default of such agreement, the Court may direct; and, where the sale is by public auction, the creditor, or the Court or the receiver on behalf of the estate, may bid or purchase:

Provided that the creditor may at any time, by notice in writing, require the Court or the receiver to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and, where the Court or the receiver does not, within six months after receiving the notice, signify in writing to the creditor its or his election to exercise the power, it or he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the Court or the receiver, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

(5) Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing, to the satisfaction of the Court or the receiver, that the valuation and proof were made in good faith on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but the costs of every such amendment shall be borne by the creditor and upon such terms as the Court shall order, unless the receiver allows the amendment without application to the Court.

(6) Where a valuation has been amended in accordance with sub-section (5), the creditor shall forthwith repay any surplus dividend received by him in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid, out of any money for the time being available for dividend, any dividend or share of dividend which he has failed to receive by reason of the inaccuracy of the original valuation, before any money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

(7) Where a creditor, after having realized his security, subsequently realizes it, or if it is realized under sub-section (6), he

amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

(8) Where a secured creditor does not comply with the provisions of this section, he shall be excluded from all share in any dividend.

(9) Subject to the provisions of sub-section (4), a creditor shall in no case receive more than sixteen annas in the rupee, and interest as hereinafter provided by this Chapter.

359. (1) On any debt or sum certain, where—
Interest. on interest is not reserved or agreed upon, and which is overdue when the debtor is declared insolvent, and which is provable in insolvency, the creditor may prove for interest at a rate not exceeding four per cent. per annum, —

(a) if the debt or sum is payable by virtue of a written instrument at a certain time, from the time when the debt or sum was payable to the date of such declaration, or,

(b) if the debt or sum is payable otherwise from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment to the date of such declaration.

(2) Where a debt has been proved under this Chapter, and such debt includes interest or any pecuniary consideration in lieu of interest, such interest or consideration shall for the purposes of dividend, be calculated at a rate not exceeding five per cent. per annum, without prejudice to the right of a creditor to receive out of the debtor's estate any higher rate of interest to which he may be entitled after all the debts proved have been paid in full.

360. (1) A creditor may prove for a debt not payable when the debtor committed an act of insolvency as if it were payable presently, and may receive dividends equally with the other creditors, deducting only therefrom a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

360A. (1) Where the receiver thinks that a proof has been improperly admitted, the Court may, on the application of the receiver and after notice to the creditor who made the proof, expunge the proof or reduce its amount.

(2) The Court may also expunge or reduce a proof upon the application of a creditor if no receiver has been appointed or if the receiver declines to interfere in the matter, or, in the case of a composition or arrangement, upon the application of the debtor.

360B. (1) In the distribution of the assets of the insolvent, the following shall be paid, in addition to all other debts,—

(a) all debts due to the Crown or to a local authority;

(b) all wages or salary, not exceeding twenty rupees, of any clerk or servant in respect of services rendered to the insolvent during four months before the date of the order made under section 348, sub-section (1);

(c) all wages not exceeding ten rupees, whether payable for time or piece-work, of any labourer or coolie or man in respect of services rendered to the insolvent during two months before the date of the order made under section 348, sub-section (1).

(2) The foregoing debts shall rank in priority between themselves, and shall be paid in full unless the property of the insolvent is insufficient to meet them, in which case they shall abate in equal proportion between themselves.

(3) Subject to the retention of such amount as may be necessary for the costs of administration or otherwise, the foregoing debts shall be discharged forthwith in so far as the property of the insolvent is sufficient to meet them.

(4) In the case of partners the provisions of this Chapter shall be applicable in the same manner as in the case of an individual. In payment of the partnership debts and the separate property of each partner shall be applicable in the first instance to the payment of his separate debts. Where there is a surplus of the separate property of the partners, it shall be dealt with as part of the partnership property; and where there is a surplus of the partnership property, it shall be dealt with as part of the separate property of each partner in proportion to the right of interest of each partner in the partnership property.

(5) Subject to the provisions of this Chapter, all debts proved under this Chapter shall be paid *pari passu*.

(6) Where there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the order made under section 348 sub-section (1) at the rate of four per cent. per annum on the debts proved under this Chapter.

360C. In any local area in which a special provision has been made in regard to immovable property, no sale of immovable property paying revenue to the Government or let for agricultural purposes shall be made by the Court or, where a receiver has been appointed, by the receiver; but, after the other property of the insolvent has been sold, the receiver shall ascertain—

(a) the amount required to satisfy the debts proved under this Chapter after deducting the moneys already received;

(b) the immovable property of the insolvent remaining unsold, and

circumstances (if any) existing there-
forward a statement to the Collector
of the particulars aforesaid; and there-
the Collector shall proceed to raise the
as required by the exercise of such of
powers conferred on him by sections 322
as he thinks fit, and subject to the
provisions of those sections so far as they are
applicable, and shall hold at the disposal of
the Court all sums that may come to his hands
in such exercise.

360D. (1) Subject to the provisions of section
360B, sub-sections (1) to
(3), and of section 360C,
the Court or, where a receiver has been ap-
pointed, the receiver shall give effect to any
composition or arrangement agreed upon be-
tween the debtor and the majority of the credi-
tors who have appeared:

Provided that no injustice or injury ap-
pears to be inflicted by such composition or
arrangement on any of the parties concerned:
Provided, also, that there is no reasonable
ground for suspecting the composition or
arrangement to be fraudulent or collusive.

360E. Where any creditor objects to any com-
position or arrangement to which effect is
to be given under sub-section (1),
the Court shall decide as to the reasonableness
of the objection.

360F. Where it is shown to the satisfaction
of the Court that the debt-
or, or after becoming unable
to meet his liabilities or in expectation of be-
coming so, has transferred his property, or any
part thereof with a view to defrauding his
creditors or to giving one or more creditors a
preferential preference over the others the
Court shall annul such transfer, and treat the
property transferred as the other property of
the debtor:

Provided that nothing in this section shall
be deemed to limit or otherwise affect the
rights of any person making title in good
faith and for valuable consideration through
or under a creditor of the insolvent.

360G. (1) In the calculation and distribu-
tion of dividends, the
Court or, where a receiv-
er has been appointed, the receiver shall
make provision for—

(a) debts provable under this Chapter and
appearing, from the insolvent's state-
ments or otherwise, to be due to per-
sons resident in places so distant
that in the ordinary course of com-
munication they have not had suffi-
cient time to tender their proofs, or
to establish them if disputed;

(b) debts provable under this Chapter, the
subject of claims not yet deter-
mined;

(c) disputed proofs or claims; and

(d) the expenses necessary for the ad-
ministration of the estate or otherwise.

(2) Subject to the provisions of sub-section
(1) all money in hand shall be distributed as
dividends.

(3) Any creditor who has not proved his
debt before the declaration of any dividend or
dividends, shall be entitled to be paid, out of
any money for the time being in the hands of
the Court or where a receiver has been ap-
pointed, of the receiver, any dividend or divi-
dends which he may have failed to receive
before that money is applied to the payment
of any future dividend or dividends; but he
shall not be entitled to disturb the distribution
of any dividend declared before his debt was
proved by reason that he has not participated
therein.

(4) No action for a dividend shall lie against
the receiver, but, where the receiver refuses
to pay any dividend, the Court may, if it thinks
fit, order him to pay it, and also to pay out of
his own money interest thereon for the time
that it is withheld, and the costs of the appli-
cation.

360G. (1) The Court or, by leave of the
Court, the receiver may
allowance to insol-
vent. himself to superintend the
management of the property of the insol-
vent or of any part thereof, or to carry
on the trade (if any) of the insolvent for
the benefit of the creditors, and in any
other respect to aid in administering the
property in such manner and on such terms
as the Court or, by leave of the Court, the
receiver may direct.

(2) The Court or, by leave of the Court, the
receiver may, from time to time, make such
allowance as it or he may think just to the
insolvent out of his property for the support of
himself and his family, or in considera-
tion of his services if he is engaged in winding
up his estate; but any such allowance granted
under this sub-section may, at any time, be
reduced by the Court.

360GG. The insolvent shall be entitled to
Right of insolvent any surplus remaining
to surplus. after payment in full of
his creditors, with interest as provided by this
Chapter, and of the costs, charges and ex-
penses of the proceedings taken thereunder.

360H. (1) A debtor may, at any time after
having been declared
Discharge. insolvent, apply to the
Court for an order of discharge; and the
Court shall fix a day, notice whereof shall
be given in the manner provided by section 360
sub-section (3), for hearing such application
and any objections which may be made there-
to.

(2) Subject to the provisions of sub-
section (3) the Court may, after hearing

of any creditor or, where a receiver is appointed, of the receiver,—
grant or refuse an absolute order of discharge; or

(b) suspend the operation of the order for a specified time; or

(c) grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the insolvent or with respect to his after-acquired property.

(5) The Court shall refuse an order of discharge where the insolvent has committed an offence in relation to his insolvency, unless reasons to be recorded, it is satisfied that refusal is not required in the interests of justice.

(6) On proof of any of the facts mentioned in sub-section (5), the Court shall—

(a) refuse the discharge; or

(b) suspend the discharge for a period of not less than two years; or

(c) suspend the discharge until a dividend of not less than eight annas in the rupee has been paid to the creditors; or,

(d) where a receiver has been appointed, require the insolvent as a condition of his discharge to consent to a decree being passed against him on the suit of such receiver for any balance or part of any balance of debts provable under this Chapter but not satisfied at the date of discharge, such balance or part of any balance to be paid out of the future earnings or after-acquired property of the insolvent in such manner and subject to such conditions as the Court may direct:

Provided, that, if at any time after the expiration of two years from the date of an order made under this section, the insolvent satisfies the Court that there is no reasonable probability of his being in a position to comply with the terms of the order, the Court may modify the terms of the order or any substituted order, in such manner and upon such conditions as it thinks fit; and

Provided, also, that application for execution of a decree passed in favour of a receiver under clause (d) shall not be made except by leave of the Court which may be given on proof that the insolvent has, since his discharge, acquired property or income available towards the payment of his debts.

(7) The facts referred to in sub-section (4)

(a) that the insolvent's assets are not of a value equal to eight annas in the rupee on the amount of his unsecured liabilities, unless he satisfies the Court that the fact that the assets are not of a value equal to eight annas in the rupee on the amount

of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible;

(b) that the insolvent has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his insolvency;

(c) that the insolvent has continued to trade after knowing himself to be insolvent;

(d) that the insolvent has contracted any debt provable under this Chapter without having at the time of contracting it any reasonable or probable ground of expectation (the burden of proving which shall lie on him) that he would be able to pay it;

(e) that the insolvent has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;

(f) that the insolvent has brought on, or contributed to, his insolvency by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs;

(g) that the insolvent has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him;

(h) that the insolvent has within three months preceding the date of the order under section 348, sub-section (1), incurred unjustifiable expense by instituting a frivolous or vexatious suit or other proceeding;

(i) that the insolvent has within the period referred to in clause (h), when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(j) that the insolvent has within the period referred to in clause (h) incurred liabilities with a view of making his assets equal to eight annas in the rupee on the amount of his unsecured liabilities;

(k) that the insolvent has on any previous occasion been declared an insolvent or made a composition or arrangement with his creditors;

(l) that the insolvent has been guilty of any fraud or fraudulent breach of trust.

(8) For the purposes of this section the report of an official receiver shall be deemed to be evidence; and the Court may presume

...correctness of any statement contained therein.

(7) The powers of suspending, and of attaching conditions to, an insolvent's discharge may be exercised concurrently.

(8) A discharged insolvent shall, notwithstanding his discharge, give such assistance as the Court, or, where a receiver has been appointed, the receiver may require in the realization and distribution of such of his property as is vested in the Court or the receiver; and, if he fails to give such assistance, the Court may, in addition to any punishment to which he may be liable, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or anything duly done after the discharge but before the revocation.

Explanation.—For the purposes of this section, an insolvent's assets shall be deemed to be of a value equal to eight annas in the rupee on the amount of his unsecured liabilities when the Court is satisfied that his property has realized, or is likely to realize, or with due care in realization might have realized, an amount equal to eight annas in the rupee on his unsecured liabilities.

360I. (1) An order of discharge shall not
Effect of order of release the insolvent.
discharge. from —

- (a) any debt due to the Crown; or
- (b) any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party; or
- (c) any debt or liability in respect of which he has obtained forbearance by any fraud to which he was a party.

(2) Save as otherwise provided by sub-section (1), an order of discharge shall release the insolvent from all debts provable under this Chapter.

(3) An order of discharge shall be conclusive evidence of the insolvency and of the validity of the proceedings therein, and in any proceedings instituted against an insolvent who has obtained an order of discharge in respect of any debt from which he is released by the order, the insolvent may plead that the cause of action occurred before his discharge.

(4) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the insolvent or was jointly bound or had made any joint contract with him or any person who was surety for him.

360J. (1) Where, in the opinion of the Court, a debtor ought not to have been declared an insolvent, or where it is proved to the satisfaction of the Court that the debts of the insolvent have been paid in full, the Court may, on the application of any person interested, by order in writing, annul the declaration.

(2) Where a declaration is annulled under section (1), all sales and dispositions of

property and payments duly made or acts theretofore done, by the Court, or the Court or receiver shall be valid; but the property of the debtor who was declared insolvent shall vest in such person as the Court may appoint or, in default of any appointment, shall revert to the debtor for his estate or interest therein on such terms and subject to such conditions (if any) as the Court may, by order in writing declare.

(3) Notice of every order annulling a declaration shall be given in the manner provided by section 348, sub-section (3).

360K. Where it is proved to the satisfaction of the Court that a debtor who has made an application under section 346 or against whom such an application has been made,

- (a) has been guilty of any concealment or wilful mis-statement in regard either to pecuniary claims against him or to property belonging to him, whether in possession or in expectancy, or held for him in trust, or
- (b) has fraudulently concealed, transferred or removed any property, or
- (c) has committed any other act of bad faith regarding the matter of the application,

the Court may, at the instance of any of his creditors, sentence him to imprisonment for a term which may extend to one year, or may if it thinks fit, send him to a Magistrate to be dealt with according to law.

360L. An undischarged insolvent obtaining credit to the extent of fifty rupees or upwards from any person without informing such person that he is an undischarged insolvent shall, on conviction by a Magistrate, be punishable with imprisonment for a term which may extend to six months.

360M. (1) For the purposes of this Chapter, all Courts other than a High Court or a District Court shall, when exercising insolvency jurisdiction, be deemed to be subordinate to the District Court.

(2) Save as otherwise provided by sub-section (4), any person aggrieved by an order made in the exercise of insolvency jurisdiction by the Court subordinate to a District Court may appeal to the District Court whose order upon such appeal shall be final.

(3) Any person aggrieved by an order made under section 349, sub-section (4), 351, 352, 360E, 360H, 360J or 360K, by the District Court otherwise than in appeal from an order made by a subordinate Court, may appeal to a High Court.

(4) Where an appeal to the District Court has been transferred for disposal to a subordinate Court, such subordinate Court shall for the purposes of sub-sections (2) and (3) be deemed to be the District Court.

**PART II.
OF INCIDENTAL PROCEEDINGS.**

CHAPTER XXI.

THE DEATH, MARRIAGE AND INSOLVENCY OF PARTIES.

361. The death of a plaintiff or defendant shall not cause the suit to abate if the right to sue survives.

Illustrations.

(a) A covenants with B and C to pay an annuity to B during C's life. B and C sue A to compel payment. B dies before the decree: the right to sue survives to C, and the suit does not abate.

(b) In the same case all the parties die before decree. The right to sue survives to the representative of the survivor of B and C, and he may continue the suit against A's representative.

(c) A sues B for libel. A dies. The right to sue does not survive, and the suit abates.

(d) A, a member of a Hindu joint family under the Mitakshara law, institutes a suit for partition of the family property. A dies, leaving B, a minor son, his heir. The right to sue survives to B, and the suit does not abate.

362. Where there are two or more plaintiffs or defendants and any of them dies, and where the right to sue survives to the surviving plaintiff or plaintiffs alone or against the surviving defendant or defendants alone, the Court shall cause an entry to that effect to be made on the record, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

363. Where there are two or more plaintiffs and any of them dies, and where the right to sue does not survive to the surviving plaintiff or plaintiffs alone but survives to him or them

and the legal representative of a deceased plaintiff jointly, the Court may cause the legal representative (if any) of the deceased plaintiff to be made a party, and shall thereupon cause an entry to that effect to be made on the record and proceed with the suit.

365. Where a sole plaintiff or sole surviving plaintiff dies and the right to sue survives, the legal representative of the deceased plaintiff may apply to the Court to have his name entered on the record in place of the deceased plaintiff, and the Court shall thereupon cause his name to be entered and proceed with the suit.

366. Where within the time fixed by the law of limitation for the time being in force an application under section 305 is made to the Court by any person claiming to be the legal representative of a deceased plaintiff,—

(a) the Court may make an order that the suit shall abate, and shall, on the application of the defendant, award to the defendant the costs which he may have incurred in defending the suit, to be recovered from the estate of the deceased plaintiff; or

(b) the Court may, if it thinks fit, on the application of the defendant and upon such terms as to costs or otherwise as it thinks fit, make such other order as it thinks fit for bringing in the legal representative of the deceased plaintiff or for proceeding with the suit in order to a final determination of the matter in dispute, or for both those purposes.

Explanation.—Save in so far as is otherwise provided by the Succession Certificate Act, 1889, or by any other law for the time being in force, a certificate of heirship, or certificate to collect debts, does not of itself constitute the person holding it the legal representative of a deceased plaintiff; but where a person holding any such certificate obtains the property belonging to the deceased plaintiff he may be treated as a legal representative liable in respect of such property.

367. Where any dispute arises as to who is the legal representative of a deceased plaintiff, the Court may either stay the suit until the fact has been determined in another suit, or decide at or before hearing of the suit who shall be admitted to such legal representative for the purpose of prosecuting the suit.

368. (1) Where at any time before decree on a suit is passed—

(a) one of two or more defendants dies and the right to sue does not survive against the surviving defendant or defendants alone, or

(b) a sole defendant or sole surviving defendant dies and the right to sue survives,

the plaintiff may make an application to the Court, specifying the name, description and place of abode of any person whom he alleges to be the legal representative of the deceased defendant, and whom he desires to be made the defendant in his stead.

(Part II.—Of Incidental Proceedings.—Chapter XXI.—Of the Death, Marriage, and Insolvency of Parties.—Sections 368A-372B.)

(2) The Court shall thereupon enter the name of such representative on the record in the place of such defendant, and shall issue a summons to such representative to appear on a day to be therein mentioned to defend the suit; and the case shall thereupon proceed in the same manner as if such representative had originally been made a defendant and had been a party to the former proceedings in the suit:

Provided that the person so made a defendant may object that he is not the legal representative of the deceased defendant, or may make any defence appropriate to his character as such representative.

(3) Where within the time fixed by the law of limitation for the time being in force no application under sub-section (1) is made, the suit shall abate, unless the plaintiff satisfies the Court that he had sufficient cause for not making the application within such time.

(4) The legal representative of a deceased defendant may apply to have himself made a defendant in place of the deceased defendant, and the provisions of this section shall, so far as they are applicable, be deemed to apply to the application and to the proceedings and consequences ensuing thereon.

368A. Notwithstanding anything contained in the foregoing provisions of this Chapter, no judgment, decree or proceeding subsequent to judgment or decree shall be invalid merely because such judgment was delivered, or such decree was passed, or such proceeding was taken, by the Court in ignorance of the death of any party:

Provided that such ignorance was not produced by an act of bad faith or by gross negligence on the part of the person claiming the benefit of such judgment, decree or proceeding, or on the part of the predecessor in interest of any such person.

369. (1) The marriage of a female plaintiff or defendant shall not cause the marriage of female suit to abate, but the suit may notwithstanding be proceeded with to judgment, and, where the decree is against a female defendant, it may thereupon be executed against her alone.

(2) Where the husband is by law liable for the debts of his wife, the decree may, by leave of the Court, be executed against the husband also; and, in the case of judgment for the wife, execution of the decree may, by such leave, be issued upon the application of the husband, where the husband is by law entitled to the subject-matter of the decree.

370. (1) The insolvency of a plaintiff in a suit which his assignee or the receiver appointed under section 351 maintains for the benefit of his creditors, shall not bar the suit, unless such assignee or receiver declines to continue the suit and to give security for the costs thereof within such time as the Court may order.

(2) Where the assignee or receiver neglects or refuses to continue the suit and to give such security within the time so ordered, the defendant may apply for the dismissal of the suit on the ground of the plaintiff's insolvency, and the Court may dismiss the suit and award to the defendant the costs which he has incurred in defending the same, to be proved as a debt against the plaintiff's estate.

371. Where a suit abates or is dismissed under this Chapter, no fresh suit shall be brought on the same cause of action.

Provided that the person claiming to be the legal representative of a deceased insolvent plaintiff may apply for an order to set aside the order for abatement or dismissal; and, if it is proved that he was prevented by any sufficient cause from continuing the suit, the Court shall set aside the order for abatement or dismissal upon such terms as to costs or otherwise as it thinks fit.

372. In other cases of the assignment, creation or devolution of any interest before a final order in suit, whether in first instance or in appeal, the suit may, by leave of the Court given either with the consent of all parties or after service of notice in writing upon them and hearing their objections (if any), be continued by or against the person to whom such interest has come, either in addition to or in substitution for the person from whom it has passed, as the Court may require.

372A. The provisions of section 5 of the Indian Limitation Act, 1877, applicable to appeals shall be deemed to apply to applications under sections 365, 366, 368 and 371.

372B. Save as provided by section 369, nothing in this Chapter shall be deemed to apply to proceedings in execution of decrees.

II.—Of Incidental Proceedings.—Chapter XXII.—Of the Withdrawal and Adjustment of Suits.—Sections 373-375A. Chapter XXIII.—Of Payment into Court.—Sections 376-379.)

CHAPTER XXII.

OF THE WITHDRAWAL AND ADJUSTMENT OF SUITS.

373. (1) Where, at any time after the institution of a suit, the Court is satisfied, on the application of the plaintiff,—
Power to allow plaintiff to withdraw with liberty to bring fresh suit.

- (a) that the suit must fail by reason of some formal defect, or
- (b) that there are sufficient grounds for permitting the plaintiff to withdraw from the suit or to abandon part of his claim with liberty to bring a fresh suit for the subject-matter of the suit or in respect of the part so abandoned,

the Court may grant such permission on such terms as to costs or otherwise as it thinks fit.

(2) Where the plaintiff withdraws from the suit, or abandons part of his claim, without such permission, he shall be liable for such costs as the Court may award, and shall be precluded from bringing a fresh suit in respect of the same subject-matter or in respect of the same part.

(3) Nothing in this section shall be deemed to authorize the Court to permit one of two or more plaintiffs to withdraw without the consent of the others, or, except with the consent of the parties, to permit withdrawal from a suit or abandonment of part of a claim where the plaintiff, after settlement of issues, has failed to produce evidence which he was bound to produce, with reference to any of such issues, in support of such suit or part of a claim.

(4) The powers conferred by this section may be exercised by the Court at any stage of the suit, whether in first instance or in appeal, before a final order is made.

374. In any fresh suit instituted on permission granted under section 373, the plaintiff shall be bound by the law of limitation for the time being in force in the same manner as if the first suit had not been brought, and nothing in section 43 shall be deemed to preclude him from seeking in the fresh suit any relief omitted from the first.

375. Where a suit is adjusted wholly or in part by any lawful agreement or compromise, or where the defendant satisfies the plaintiff in respect to the whole or any part of the subject-matter of the suit, such agreement, compromise or satisfaction shall be recorded, and the Court shall pass a decree in accordance therewith so far as it relates to the suit, and such decree shall be final, so far as relates to so much of the subject-matter of the suit as is dealt with by the agreement, compromise or satisfaction.

375A. Nothing in this Chapter shall be deemed to apply to any application or other proceeding in any suit subsequent to the decree.
Application subsequent to decree not affected.

Explanation.—For the purposes of this section, application to an Appellate Court pending an appeal is not an application subsequent to the decree appealed from.

CHAPTER XXIII.

OF PAYMENT INTO COURT.

376. (1) The defendant in a suit to recover a debt or damages may, at any stage of the suit, deposit by defendant in satisfaction of claim any sum of money as he considers a satisfaction in full of the claim.

(2) Notice in writing of such deposit shall be given through the Court by the defendant to the plaintiff, and the sum deposited shall, unless the Court otherwise directs, be paid to the plaintiff on his application.

(3) From the date of the receipt by the plaintiff of such notice, no interest shall be allowed to the plaintiff on the sum deposited by the defendant, whether it is in full satisfaction of the claim or falls short thereof.

379. (1) Where the plaintiff accepts the sum deposited under section 376 only as satisfaction in part of his claim, he may prosecute his suit for the balance; and, if the Court decides that the sum so deposited was a full satisfaction of the plaintiff's claim, the plaintiff shall bear the costs of the suit incurred after the deposit, and the costs incurred previous thereto so far as they were caused by excess in the plaintiff's claim.

(2) Where the plaintiff accepts the sum deposited under section 376 as satisfaction in full of his claim, he shall present to the Court a statement to that effect, and such statement shall be filed and the Court shall deliver judgment accordingly; and, in directing by whom the costs of each party are to be borne, the Court shall consider which of the parties is most to blame for the litigation.

Illustrations.

(a) A owes B Rs. 100. B sues A for the amount having made no demand for payment and having no reason to believe that the delay caused by making demand would place him at a disadvantage. On the plaint being filed, A pays the money into Court. A accepts it in full satisfaction of his claim, but the Court should not allow him any costs, the litigation being presumably groundless on his part.

For ss. 377 and 378 see clause 376 (2), (3).

The Code of Civil Procedure, 1901.

(Part II.—Of Incidental Proceedings.—Chapter XXIII.—Of Payment into Court.—Section 379A. Chapter XXIV.—Of requiring Security for Costs.—Sections 380-381. Chapter XXV.—Of Commissions.—Section 383.)

(b) B sues A under the circumstances mentioned in illustration (a). On the plaint being filed A disputes the claim. Afterwards A pays the money into Court. B accepts it in full satisfaction of his claim. The Court should also give B his costs of suit, A's conduct having shown that the litigation was necessary.

(c) A owes B Rs. 100 and is willing to pay him that sum without suit. B claims Rs. 150 and sues A for that amount. On the plaint being filed A pays Rs. 100 into Court and disputes only his liability to pay the remaining Rs. 50. B accepts the Rs. 100 in full satisfaction of his claim. The Court should order him to pay A's costs.

[See.]

379A. The provisions of this Chapter shall, so far as they are applicable, be deemed to apply to payments made under section 257.

CHAPTER XXIV.

OF REQUIRING SECURITY FOR COSTS.

Section 380 of the Code of Civil Procedure, 1901.

380. (1) Where, at the institution or at any subsequent stage of a suit, it appears to the Court that a sole plaintiff is, or that, where there are two or more plaintiffs, all the plaintiffs are, residing out of British India, and that such plaintiff does not, or that no one of such plaintiffs does, possess any sufficient immoveable property within British India independent of the property in suit, the Court may, either of its own motion or on the application of any defendant, order the plaintiff or plaintiffs, within a time to be fixed by the order, to furnish security for the payment of all costs incurred and likely to be incurred by any defendant.

[382.]

Explanation.—For the purposes of this section, a person leaving British India under such circumstances as to afford reasonable probability that he will not be forthcoming when he may be called upon to pay costs, shall be deemed to be residing out of British India.

(2) On the application of any defendant in a suit for the payment of money in which the plaintiff is a woman, the Court may at any stage of the suit make a like order if it is satisfied that the plaintiff does not possess any sufficient immoveable property within British India independent of the property in suit.

Explanation.—For the purposes of this sub-section, a suit for the payment of money includes a suit to recover possession of specified moveable property or, in the alternative, the value of such property in money.

Section 381 of the Code of Civil Procedure, 1901.

381. (1) Where security required under section 380 is not furnished within the time fixed thereunder, the Court shall dismiss the suit in so far as it relates to any defendant for whose costs security has not been furnished,

unless sufficient cause why such time should be extended, is shown to the satisfaction of the Court, in which case the Court may extend it.

(2) Where a suit is dismissed under this section, the plaintiff may apply for an order to set the dismissal aside, and, if it is shown to the satisfaction of the Court that the plaintiff was prevented by any sufficient cause from furnishing the security within the time fixed, the Court shall set aside the dismissal upon such terms as to security, costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit:

Provided that the dismissal shall not be set aside unless the plaintiff has served the defendant with notice in writing of his application.

(3) The provisions of the Indian Limitation Act, 1877, with respect to an application under section 103, and of this Code with respect to an appeal from an order rejecting such an application, shall, so far as they are applicable, be deemed to apply to an application under this section for an order to set aside the dismissal of a suit and to an appeal from an order rejecting such an application, respectively.

(4) Nothing in section 13 shall be deemed to preclude a plaintiff whose suit has been dismissed under this section for failure to furnish security, from pleading the subject-matter of such suit in answer to any suit instituted against him, or from instituting, within the time allowed by the law of limitation for the time being in force, a fresh suit upon the same cause of action:

Provided that such fresh suit shall be dismissed unless, at or before the time of presenting the plaint or within such further period as the Court may fix in this behalf, the plaintiff pays all the costs (if any), which he was in the previous suit ordered to bear.

CHAPTER XXV.

OF COMMISSIONS.

Commissions for the examination of witnesses.

383. (1) Any Court may in any suit issue a com-

mission for the examination on interrogatories or otherwise of any person resident within the local limits of its jurisdiction, who is exempted under this Code from attending the Court, or who is from sickness or infirmity unable to attend it.

(2) Such order may be made by the Court either of its own motion or on the application, supported by affidavit or otherwise, of any party to the suit or of the witness to be examined.

(3) Such commission may be issued to any person whom the Court thinks fit to execute it.

For s. 382 see clause 380 (1), *expln.*
For ss. 384 and 385 see clause 383 (2), (3).

*The Code of Civil Procedure, 190**(Part II.—Of Interlocutory Proceedings.—Chapter XXV.—Of Commissions.—Sections 386-392.)*

386. (1) Any Court may in any suit issue a commission for the examination on interrogatories or otherwise of—

Commission for examination of person beyond or leaving jurisdiction or of officer.

- (a) any person resident beyond the local limits of its jurisdiction;
- (b) any person who is about to leave such limits before the date on which he is required to be examined in Court; and
- (c) any civil or military officer of the Government who cannot, in the opinion of the Judge, attend the Court without detriment to the public service.

(2) Such commission may be issued to any Court, not being a High Court within the local limits of whose jurisdiction such person resides, or to any pleader or other person whom the Court issuing the commission may, subject to any rules made by the High Court in this behalf, think fit to appoint.

(3) The Court on issuing such a commission shall direct whether the commission is to be returned to itself or to any subordinate Court.

387. Where the Court to which application is made for the issue of a commission for the examination of a person residing at any place not within British India, is satisfied that the evidence of such person is necessary, the Court may, subject to the provisions, where applicable, of the Evidence by Commission Act, 1859, issue such commission.

387A. A Court shall not issue a commission, either of its own motion or on the application of a party or witness, without giving notice to any party affected thereby, other than a defendant against whom the suit is proceeding *ex parte*.

388. (1) Every Court receiving a commission for the examination of a person shall, after giving notice to the parties other than a defendant against whom the suit is proceeding *ex parte*, examine such person in pursuance of the commission.

(2) After the commission has been duly executed, it shall be returned, together with the evidence taken under it, to the Court from which it was issued, unless the order for issuing the commission has otherwise directed, in which case the commission shall be returned in accordance with the terms of such order; and the commission and the return thereto, and the evidence taken under it, shall, subject to the provisions of section 390, form part of the record of the suit.

For s. 389 see clause 388 (2).

390. Evidence taken under a commission shall not be read as evidence in the suit without the consent of the party against whom the same is offered, unless—

- (a) the person who gave the evidence is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or exempted from personal appearance in Court, or
- (b) the Court in its discretion dispenses with the proof of any of the circumstances mentioned in clause (a), and authorizes the evidence of any person being read as evidence in the suit, notwithstanding proof that the cause for taking such evidence by commission has ceased at the time of reading the same.

391. The provisions hereinbefore contained as to the execution and return of commissions shall apply to commissions issued by foreign Courts.

- (a) Courts situate beyond the limits of British India and established by the authority of His Majesty or of the Governor General in Council, or
- (b) Courts situate in the United Kingdom or in any British possession, or
- (c) the Courts of any foreign country for the time being in alliance with His Majesty.

Commissions for the making of local investigations.

391A. Any Court may, if it thinks fit, view any place connected with the trial of any part of a suit before it or hold the trial at such place, and may bring upon the record of the suit as evidence a memorandum of any facts observed by it at such place, and neither the so viewing a place nor the so holding a trial nor the so bringing a memorandum on the record shall entitle any person to call the Judge as a witness or to cross-examine him upon the facts so observed.

392. (1) In any suit or proceeding in which the Court deems a local investigation to be requisite or proper for the purpose of elucidating any matter in dispute, or of ascertaining the market-value of any property, or the amount of any means profits, damages or annual net profits, and such local investigation cannot conveniently be conducted by the Judge himself, the Court may issue a commission to such person as it thinks fit, directing him to make such local investigation and to report thereon to the Court:

*The Code of Civil Procedure, 1901.**(Part II.—Of Incidental Proceedings.—Chapter XXV.—Of Commissions.—Sections 394-398.)*

Provided that, where the Local Government has made rules as to the persons to whom such commissions shall be issued, the Court shall be bound by such rules.

(2) The Commissioner, after such local inspection as he deems necessary, and after reducing to writing the evidence taken by him, shall return such evidence, together with his report in writing, signed with his name, to the Court.

(3) The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the suit and shall form part of the record; but the Court, or, by leave of the Court, any of the parties to the suit, may examine the Commissioner personally in open Court touching any of the matters referred to him or mentioned in his report, or as to the manner in which he has made the investigation.

Commissions for the examination or adjustment of accounts.

394. (1) In any suit in which an examination or adjustment of accounts is necessary, the Court may issue a commission to such person as it thinks fit directing him to make such examination or adjustment.

(2) The Court shall furnish the Commissioner with such part of the proceedings and such detailed instructions as appear necessary, and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his examination.

(3) The proceedings of the Commissioner shall be received in evidence in the suit, unless the Court has reason to be dissatisfied with them, in which case the Court shall direct such further inquiry as is requisite.

Commissions for the making of partitions.

396. (1) Where, in any case not provided for by the provisions of section 265, it appears to the Court to be necessary to provide for the partition of immoveable property or for the separate possession of a share therein, the Court, after ascertaining the several parties interested in such property and their several rights therein, may issue a commission to such person or persons as it thinks fit to make a partition or separation according to such rights.

(2) The Commissioner or Commissioners shall ascertain and inspect the property, and shall divide the same into as many shares as may be

directed by the order under which the commission was issued, and shall allot such shares to the parties, and may, if authorized thereto by the said order, award sums to be paid for the purpose of equalizing the value of the shares.

(3) The Commissioner or Commissioners shall then prepare and sign a report, or, where the commission was issued to more than one person and they cannot agree, separate reports appointing the share of each party, and, if so directed by the said order, distinguishing each share by metes and bounds. Such report or reports shall be annexed to the commission and transmitted to the Court; and the Court, after hearing any objections which the parties may make to the report or reports, shall either quash the same and issue a new commission, or pass a final decree in accordance therewith.

(4) Nothing in this section shall be deemed to preclude the Court from returning a report to a Commissioner for the correction of any error appearing therein.

General provisions as to commissions.

397. (1) Before issuing a commission under this Chapter, the Court may order such sum (if any) as it thinks reasonable for the expenses of the commission to be, within a time to be fixed by the Court, paid into Court by the party at whose instance or for whose benefit the commission is issued.

(2) Where the sum required to be paid into Court for the expenses of a commission is capable only of being estimated by the period likely to be occupied in executing such commission and a Commissioner appointed under this Chapter finds that he will be unable to execute such commission within such period, he shall submit a report to the Court within a reasonable time before the date by which the commission is returnable. Upon receiving such report, the Court may make an order enlarging the date for the return of the commission and requiring such further sum (if any) as it thinks reasonable to be, within a time to be fixed by the Court, paid into Court as expenses.

(3) Any person omitting to pay into Court any sum required to be paid under this section shall be deemed, within the meaning of section 158, to have failed to perform an act necessary to the further progress of the suit for which time has been allowed.

398. Any Commissioner appointed under this Chapter may, unless otherwise directed by the order of appointment,—

(a) examine the parties themselves and any witness whom they or any of them may produce, and any other person whom the Commissioner thinks proper

For s. 393 see clause 392 (2) (i).

For s. 395 see clause 394 (2), (3).

The Code of Civil Procedure, 1901.

(Part II.—Of Incidental Proceedings.—Chapter XXV.—Of Commissions.—Sections 399-400. Part III.—Of Suits in Particular Cases.—Chapter XXVI.—Suits by or against Paupers.—Section 401.) (Part III.—Of Suits in Particular Cases.—Chapter XXVI.—Suits by or against Paupers.—Sections 402-406.)

to call upon to give evidence in the matter referred to him;

- (b) call for and examine documents and other things relevant to the subject of inquiry;
- (c) at any reasonable time enter upon or into any land or building mentioned in the order.

399. (1) The provisions of this Code relating to the summoning, attendance and examination of witnesses, and to the remuneration of, and penalties to be imposed upon, witnesses, shall so far as they are applicable, be deemed to apply to persons required to give evidence or to produce documents under this Chapter, whether the commission in execution of which they are so required, has been issued by a Court situate within, or by a Court situate beyond, the limits of British India; and for the purposes of this subsection every Commissioner shall be deemed to be a Court.

(2) Save where a commission is issued to a Court within the local limits of whose jurisdiction a witness resides, the Commissioner shall cause to be executed through the Court having such local jurisdiction any process which he may find it necessary to issue to or against such witness.

400. (1) Where a commission is issued under this Chapter, the Court shall direct that the parties to the suit shall appear before the Commissioner in person or by their agents or pleaders.

(2) Where the parties, after due notice of the time and place fixed for proceeding, do not appear, the Commissioner may proceed *ex parte*.

PART III.

OF SUITS IN PARTICULAR CASES.

CHAPTER XXVI.

SUITS BY OR AGAINST PAUPERS.

401. Any suit, other than a suit to recover compensation for loss of caste, libel, slander, abusive language or assault by a person as a pauper, may, subject to the provisions of this Chapter, be instituted or defended or, if instituted in the ordinary manner, continued by a person as a pauper.

402. Any person may apply for permission to institute, defend or continue a suit as a pauper, if,—

- (a) where the application is to institute a suit and a court-fee is prescribed for the plaint by the law for the time being in force relating to court-fees, he is not possessed of sufficient means to enable him to pay such court-fee, or,

- (b) where the application is—

- (i) to institute a suit in which no court-fee is so prescribed for the plaint, or,

- (ii) to defend or continue a suit,

he is not entitled to property worth one hundred rupees other than his necessary wearing-apparel and the subject-matter of the suit.

403. (1) Every application for permission to institute, defend or continue a suit as a pauper, shall be in writing; a schedule of any moveable or immoveable property belonging to the applicant, with the estimated value thereof, shall be annexed thereto; and it shall be signed and verified in the manner hereinbefore prescribed for the signing and verification of plaints.

(2) Every such application, if it is for permission to institute a suit as a pauper, shall also contain the particulars required by section 50 in regard to plaints.

(3) Notwithstanding anything contained in section 36, every such application shall be presented to the Court by the applicant in person, unless he is exempted from appearing in Court under section 640 or section 641, in which case the application may be presented by a duly authorized agent who can answer all material questions relating to the application, and who may be examined in the same manner as the party represented by him might have been examined had such party attended in person.

406. (1) If an application for permission to institute, defend or continue a suit as a pauper is in proper form and duly presented, the Court may, if it thinks fit, examine the applicant or, where he is allowed to appear by agent, his agent, regarding the merits of the claim or defence and the property of the applicant.

(2) Where such application is presented by an agent, the Court may, if it thinks fit, issue a commission for the examination of the applicant in the manner in which the examination of an absent witness may be taken under the provisions of this Code.

For s. 404 see clause 403 (3).
For s. 405 see clause 407 (a).

*The Code of Civil Procedure, 1901.**(Part III.—Of Suits in Particular Cases.—Chapter XVI.—Suits by or against Paupers.—Sections 407-411.)*

407. The Court shall reject an application for permission to institute, defend or continue a suit as a pauper,—

Rejection of application.

- [405.] (a) if it is not framed and presented in the manner prescribed by section 403; or
- (b) if, after perusal of the application and such examination (if any) as may be made under section 406, it appears to the Court
- (i) that the applicant is not entitled to apply under section 402, or
 - (ii) that he has, within two months next before the presentation of the application, disposed of any property fraudulently or with a view to obtain the benefit of this Chapter; or
 - (iii) that his allegations, if un rebutted, would not be sufficient to establish a right to institute, defend or continue a suit in such Court; or
 - (iv) that he has entered into any agreement with reference to the subject-matter of the suit under which any other person has obtained a vested or contingent interest in such subject-matter.

408. Where the Court sees no reason to reject an application for permission to institute, defend or continue a suit as a pauper on any of the grounds stated in section 407, it shall fix a day, of which at least ten days' previous notice shall be given to the opposite party and the Government pleader, for receiving and hearing such evidence as may be adduced in support of or in opposition to the application.

409. (1) On the day fixed under section 408 or as soon thereafter as may be convenient, the Court shall examine the witnesses (if any) produced by either party, and may cross-examine the applicant or his agent, and shall make a memorandum of the substance of their evidence.

(2) The Court shall also hear any argument which the parties may desire to offer on the question whether, on the face of the application and of the evidence (if any) taken by the Court or herein provided, the applicant is or is not subject to any of the prohibitions specified in section 407.

(3) The Court shall then either permit or refuse to permit the applicant to institute, defend or continue the suit as a pauper.

(4) Where an application has been made for permission to institute a suit as a pauper,

the applicant may, at any time before an order is made under this section, convert his application into a plaint by paying into Court the necessary court-fees, and, unless the Court, for reasons to be recorded, considers the application to have been made in bad faith, such plaint shall, for the purposes of the law of limitation for the time being in force, be deemed to have been presented on the day on which the application was made and not on the day on which the court-fees were paid.

(5) Nothing in this section shall be deemed to preclude the Court from entertaining an application to institute, defend or continue a suit as a pauper merely because a previous application on the same subject has been rejected for default.

410. (1) Where an application for permission to institute, defend or continue a suit as a pauper has been granted under section 409, the applicant shall not be liable to any court-fees (other than fees payable for service of process) in respect of any petition, application of a pleader or other proceeding connected with the suit.

(2) Where the application was for permission to institute a suit as a pauper, it shall be numbered and registered, and shall be deemed to be the plaint in the suit, and, save as otherwise provided in sub-section (1), the suit shall proceed as a suit instituted under Chapter V.

411. (1) Where a plaintiff suing as a pauper succeeds in his suit, the Court shall calculate the amount of court-fees which would have been paid by the plaintiff if he had not been permitted to institute or continue the suit as a pauper; and such amount shall be a first charge on the subject-matter of the suit, and shall also be recoverable by the Government from any party ordered by the decree to pay the same, in the same manner as the costs of a suit are recoverable under this Code.

(2) The Government shall be deemed to have a lien upon the decree for the amount of any court-fees ordered to be paid under this section; and, where the Court is satisfied that the decree-holder is unable or unwilling to realize his claim either in whole or in part, the Court may, on such terms as it thinks reasonable, permit the Government to execute the decree for the purpose of recovering any such amount.

(3) Where a decree orders any money to be paid to the Government under this section, the Court shall immediately cause a copy of the decree to be furnished to the Collector; and all matters arising between the Government and the party ordered by the

Part III.—Of Suits in Particular Cases.—Chapter XXVI.—Suits by or against Paupers.—Sections 414, 412, 413, 415. Chapter XXVII.—Suits by or against the Government or Public Officers.—Sections 416-419.)

decree to pay any such money or his representative shall be deemed to be questions arising between the parties within the meaning of section 244, clause (b), although the Government may not have been a party to the suit.

414. Where an application of any person, for permission to institute, defend or continue a suit as a pauper has been granted under section 409, the Court may, on the application of any party to the suit or of the Government pleader, of which one week's notice has been given to such person, order such person to be dispaupered,—

- (a) if he is guilty of vexatious or improper conduct in the course of the suit;
- (b) if it appears that his means are such that he ought not to be permitted to continue or defend the suit as a pauper; or
- (c) if he has entered into any agreement with reference to the subject-matter of the suit, under which any other person has obtained an interest in such subject-matter.

412. (1) Where a person instituting, defending or continuing a suit as a pauper fails in his suit or defence or where he is dispaupered, or where his suit is dismissed under section 97 or section 98 or is withdrawn or allowed to be dismissed in consequence of any agreement, the Court shall order him, or any person made, under section 32, co-plaintiff with him, to pay the court-fees which would have been paid by him if he had not been permitted to institute, defend or continue the suit as a pauper.

(2) Where the Court finds that the suit or defence was frivolous or vexatious, it may also sentence the person instituting, defending or continuing the suit as a pauper to fine which may extend to one hundred rupees, or to simple imprisonment for a term which may extend to one month, or to both.

(3) Nothing in this section shall be deemed to limit or otherwise affect the power conferred upon the Court by section 220 to give and apportion costs.

(4) For the purpose of rectifying any error in an order made under this section or the omission to make such an order, the Government, even though it is not a party to the suit, shall have all the rights and remedies which would be open to a party bound by the decree.

413. An order under section 409 refusing to permit an applicant to institute, defend or continue a suit as a pauper shall be a bar to any subsequent application of the like nature by him in respect of the same right; but the applicant shall be at liberty to institute, defend or continue the suit in the ordinary manner in respect of such right, provided that he first pays the costs (if any) incurred by the Government in opposing his application for permission to institute, defend or continue the suit as a pauper.

415. The costs of an application for permission to institute, defend or continue a suit as a pauper and of an inquiry under this Chapter shall be deemed to be costs in the suit.

CHAPTER XXVII.

SUITS BY OR AGAINST THE GOVERNMENT OR PUBLIC OFFICERS.

416. Suits by or against the Government shall be instituted by or against the Secretary of State in Council, (as the case may be) the Secretary of State for India in Council:

Provided that nothing in this section shall be deemed to limit or otherwise affect any information exhibited by the Advocate General in exercise of the power declared by section 111 of the East India Company Act, 1813.

417. Persons being *ex officio* or otherwise authorized to act for the Government in respect of any judicial proceeding shall be deemed to be the recognised agents by whom appearances, acts and applications under this Code may be made or done on behalf of the Government.

418. In suits by the Secretary of State for India in Council, instead of inserting in the plaint the name and description and place of abode of the plaintiff, it shall be sufficient to insert the words "The Secretary of State for India in Council".

419. The Government Pleader in any Court or such other person as the Local Government may for any Court appoint in this behalf, shall be the agent of the Government for the purpose of receiving processes against the Secretary of State for India in Council issued by such Court.

S. 414 has been transposed and placed after s. 411 ante.

*The Code of Civil Procedure, 190 .***(Part III.—Of Suits in Particular Cases.—Chapter XXVII.—Suits by or against the Government or Public Officers.—Sections 420-429.)**

420. The Court, in fixing the day for the Secretary of State for India in Council to answer to the plaint, shall allow a reasonable time for the necessary communication with the Government through the proper channel, and for the issue of instructions to the Government pleader to appear and answer on behalf of the said Secretary of State in Council or the Government, and may extend the time at its discretion.

421. The Court may also, in any case in which the Government pleader is not accompanied by any person on the part of the Secretary of State for India in Council, who may be able to answer any material questions relating to the suit, direct the attendance of such a person.

423. (1) Where the defendant in a suit is a public officer and, on receiving the summons, considers it proper to make a reference to the Government before answering to the plaint, he may apply to the Court to grant such extension of the time laid in the summons as may be necessary to enable him to make such reference and to receive orders thereon through the proper channel.

(2) Upon such application the Court shall extend the time for so long as appears to be necessary.

424. No suit of any kind shall be instituted against the Secretary of State for India in Council, or against a public officer in respect of an act purporting to be done by such public officer, whether by way of contract or otherwise, in his official capacity, nor shall the said Secretary of State in Council or public officer be made a defendant under the provisions of section 32 to any suit of the description hereinbefore referred to, until the expiration of two months next after notice in writing has been, in the case of the said Secretary of State in Council, delivered to, or left at the office of, a Secretary to the Local Government or the Collector of the district, and, in the case of a public officer, delivered to him or left at his office, stating the cause of action and the name and place of abode of the intending plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left.

S. 422, relating to service of public officers, has been omitted as being unnecessary. View of the provisions of clause 90A, ante.

Explanation.—A Collector is entitled to notice under this section of a suit for damages in respect of an act done by him in the capacity of an agent of the Court of Wards; but he is not entitled to such notice if he is joined as a party, not by reason of an act purporting to be done by him in his official capacity, but merely for the protection of a minor's title.

425. No warrant of arrest shall be issued in any suit against the Secretary of State for India in Council or against a public officer in respect of any act purporting to be done by him in his official capacity without the consent in writing of the District Judge.

426. Where the Government undertakes the defence of a suit against a public officer, the Government pleader, upon being furnished with authority to appear and answer to the plaint, shall apply to the Court, and upon such application the Court shall cause a note of his authority to be entered in the register of civil suits.

427. Where no application under section 426 is made by the Government pleader on or before the day fixed in the notice for the defendant to appear and answer to the plaint, the case shall proceed as in a suit between private parties.

Provided that the defendant shall not be liable to arrest, or for his property to be attached, otherwise than in execution of a decree.

428. In a suit against a public officer in respect of an act purporting to be done by him in his official capacity the Court shall exempt the defendant from appearing in person where he satisfies the Court that he cannot absent himself from his duty without detriment to the public service.

429. Where the decree is against the Secretary of State for India in Council or against a public officer in respect of an act purporting to be done by him in his official capacity, a time shall be specified in the decree within which it shall be satisfied; and, if the decree is not satisfied within the time so specified, the Court shall report the case for the orders of the Local Government.

2. Extension shall not be issued on any such decree unless it remains unsatisfied for the period of three months computed from the date of such report.

CHAPTER XXVIII.

SUITS BY ALIENS AND BY OR AGAINST FOREIGN AND NATIVE RULERS.

430. in part.] **430.** An alien friend may sue in any Court of British India as if he were a subject of His Majesty.

Suits by alien friends.

430A. (1) Save as hereinafter otherwise provided, no alien enemy may sue in any Court of British India.

430. remain-der.] Suits by alien enemies.

(2) An alien enemy residing otherwise than in consequence of detention as a prisoner of war or other prisoner, in the United Kingdom or in any British possession with the license of His Majesty or of the Government, may sue in any Court of British India as if he were a subject of His Majesty.

Explanation—For the purposes of this section, a person—

(a) residing in a foreign country, the Government of which is at war with His Majesty, and

(b) carrying on business in that country without a license in that behalf under the hand of one of His Majesty's Secretaries of State or of a Secretary to the Government of India,

shall be deemed to be an alien enemy.

431. A foreign State may sue in any Court of British India:

Suits by foreign States.

Provided, first, that it has been recognised by His Majesty or by the Governor General in Council; and

Provided, also, that the object of the suit is to enforce a private right vested in the head of such foreign State or in any officer of such State in his public capacity

(2) Every Court shall take judicial notice of the fact that a foreign State has or has not been recognised by His Majesty or by the Governor General in Council.

[Amended by VII of 18.8, s. 37.] **432. (1)** Persons specially appointed by order of the Government at the request of any sovereign prince or ruling chief, whether in subordinate alliance with the British Government or otherwise, and whether residing within or residing without British India, or at the request of any person competent, in the opinion of the Government, to act on behalf of such prince

or chief, to prosecute or defend any suit on his behalf, shall be deemed to be the recognised agents by whom appearances, acts and applications under this Code may be made or done on behalf of such prince or chief.

(2) An appointment under this section may be made for the purpose of a specified suit or of several specified suits, or for the purpose of all such suits as it may from time to time be necessary to prosecute or defend on behalf of the prince or chief.

(3) A person appointed under this section may authorize or appoint persons to make appearances and applications and do acts in any such suit or suits as if he were himself a party thereto.

(4) Nothing in this section shall be deemed to prohibit the institution of a suit by any such prince or chief in his own name or through a recognised agent appointed under section 37.

433. (1) Any such prince or chief, and any Suits against princes, ambassador or envoy of a chief, ambassadors, foreign State, may, with and envoys. the consent of the Governor General in Council, certified by the signature of a Secretary to the Government of India, but not without such consent, be sued in any competent Court.

(2) Such consent may be given with respect to a specified suit or to several specified suits, or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the Court in which the prince, chief, ambassador or envoy may be sued; but it shall not be given unless the prince, chief, ambassador or envoy—

(a) has instituted a suit in the Court against the person desiring to sue him, or

(b) by himself or another trades within the local limits of the jurisdiction of the Court, or

(c) is in possession of immoveable property situate within those limits and is to be sued with reference to such possession or for money charged on that property.

(3) No such prince, chief, ambassador or envoy shall be arrested under this Code, and, except with the consent of the Governor General in Council certified as aforesaid, no decree shall be executed against the property of any such prince, chief, ambassador or envoy.

(4) The Governor General in Council may, by notification in the Gazette of India, authorize a Local Government and any Secretary to that Government to exercise, with respect to any prince, chief, ambassador or envoy named in the notification and subject to the control of the Governor General in Council, the functions

The Code of Civil Procedure, 1901.

(Part III.—Suits in Particular Cases.—Chapter XXVIII.—Suits by Aliens and by or against Foreign and Native Rulers.—Section 434. Chapter XXIX.—Suits by or against Corporations and Companies.—Sections 435-436A. Chapter XXX.—Suits by or against Trustees, Executors and Administrators.—Sections 437-39. Chapter XXXI.—Suits by or against Minors and Persons of unsound mind.—Section 440.)

assigned by the foregoing sub-sections to the Governor General in Council and a Secretary to the Government of India, respectively.

(5) Any consent given under this section may at any time, by order certified as aforesaid, be withdrawn.

(6) A person may, as a tenant of immoveable property, sue, without such consent as is mentioned in this section, a prince, chief, ambassador or envoy from whom he holds or claims to hold the property.

ided by 1888, o.] **434.** A sovereign prince or ruling chief, Style of Princes and Chiefs as parties to suits, may sue, and shall be sued, in the name of his State:

Provided that in giving the consent referred to in section 433 the Governor General in Council or the Local Government, as the case may be, may direct that any such prince or chief shall be sued in the name of an agent or in any other name.

CHAPTER XXIX.

SUITS BY OR AGAINST CORPORATIONS AND COMPANIES.

435. Where a suit is instituted by a corporation, or by a company, Subscription and verification of plant in suit by corporation or company. authorized to sue and be sued in the name of an officer or of a trustee, the complaint may be subscribed and verified on behalf of the corporation or company by any director, secretary or other principal officer of the corporation or company, who is able to depose to the facts of the case.

336 part.] **436.** Where the defendant in a suit is a corporation, or is a company, Service on corporation or company. authorized to sue and be sued in the name of an officer or of a trustee, the summons may be served—

- (a) by leaving it at the registered office (if any) of the corporation or company, or
- (b) by sending it by post in a letter, addressed to such officer or trustee at the office (or, if there are more offices than one, at the principal office in British India) of the corporation or company, or
- (c) by giving it to any director, secretary or other principal officer of the corporation or company.

[436, re-
mainder.]

436A. In the case of a suit instituted by or against a corporation or by or against a company, Power to require personal attendance of officer of corporation or company. authorized to sue and be sued in the name of an officer or of a trustee, the Court may require

the personal appearance of any director, secretary or other principal officer of the corporation or company who may be able to answer material questions relating to the suit.

CHAPTER XXX.

SUITS BY OR AGAINST TRUSTEES, EXECUTORS AND ADMINISTRATORS.

437. Where, in a suit concerning property vested in a trustee, executor or administrator, the Representation of beneficiaries in suit concerning property vested in trustees, etc. contention is between the persons beneficially interested in such property and a third person, the trustee, executor or administrator shall represent the persons so interested, and it shall not ordinarily be necessary to make them parties to the suit; but the Court may, if it thinks fit, order them or any of them to be made parties.

438. Where there are two or more executors or administrators, they shall Joint order of all executors and administrators. all be made parties to a suit against one or more of them:

Provided that executors who have not proved their testator's will, and executors and administrators beyond the local limits of the jurisdiction of the Court, need not be made parties.

439. Unless the Court otherwise directs, the Husband of married husband of a married administrator or executrix not to join. ministratrix or executrix shall not as such be a party to a suit by or against her.

CHAPTER XXXI.

SUITS BY OR AGAINST MINORS AND PERSONS OF UNSOUND MIND.

440. (1) Every suit by a minor shall be [Amended by VIII of 1890 s. 53A.] Minor to sue by next friend. instituted in his name by an adult person, who shall be called the next friend of the minor and may be ordered to pay any costs in the suit as if he were the plaintiff.

(2) Where a minor has a guardian appointed or declared by an authority competent in this behalf, a suit shall not be instituted on behalf of the minor by any person other than such guardian except by leave of the Court granted after notice to such guardian and after hearing any objection which he may desire to make with respect to the institution of the suit, and the Court shall not grant such leave unless it is of opinion that it is for the welfare of the

*The Code of Civil Procedure, 190 .**(Part III.—Of Suits in Particular Cases.—Chapter XXXI.—Suits by or against Minors and Persons of unsound mind.—Sections 441-446.)*

minor that the person professing to institute the suit in the name of the minor should be permitted to do so.

441. Every application to the Court on behalf of a minor, other than an application under section 449, shall be made by his next friend or his guardian for the suit.

442. (1) Where a suit is instituted by or on behalf of a minor without a next friend and the fact of minority is apparent on the face of the plaint, the defendant may apply to have the plaint removed from the list of pending cases with costs to be paid by the pleader or other person by whom it was presented:

Provided that notice of such application shall be given to such person by the defendant, and that the Court shall hear his objections (if any) before making an order on the application.

(2) Where the fact of minority is not apparent on the face of such a plaint but is ascertained upon objection and inquiry, the defendant may apply that the suit be dismissed with a similar order as to costs.

(3) No plaint shall be ordered to be removed from the list of pending cases, and no suit shall be dismissed under this section, unless the Court is satisfied that the plaintiff instituted the suit with the knowledge of the fact of minority and with the intention of deceiving the Court and evading the payment of costs in the event of failure.

amended by
111 of 1900,
53 B.]

443. (1) Where the defendant to a suit is a minor, the Court, on being satisfied of the fact of his minority, shall appoint a proper person to be guardian for the suit for such minor, to put in the defence for such minor, and generally to act on his behalf in the conduct of the case.

(2) Where an authority competent in this behalf has appointed or declared a guardian or guardians of the person, or property, or both, of the minor defendant, the Court shall appoint him or one of them, as the case may be, to be the guardian for the suit under this section, unless it considers, for reasons to be recorded, that some other person ought to be so appointed.

(3) Before appointing any person to be a guardian for the suit under this section, the Court shall cause a notice to be served upon the minor defendant in the manner prescribed by this Code for the service of a summons, and shall hear any objections which may be urged on his behalf.

(4) Service of such notice on the father or guardian of the minor defendant, or, if there is no such father or guardian, then upon the person in whose house the minor defendant resides or under whose care he is, shall,

unless the Court otherwise directs, be deemed to be good service on the minor defendant:

Provided that the Court may order that service made or to be made on the minor defendant himself shall be deemed good service.

(5) No decree or order shall be set aside for failure to comply with the provisions of this section, unless it is shown to the satisfaction of the Court that, by reason of such failure, the minor defendant has suffered substantial injury.

444. Every order made in a suit or on any application before the Court, in or by which a minor is in any way concerned or affected, without such minor being represented by a next friend or guardian for the suit, as the case may be, may be discharged, and, where the pleader of the party at whose instance such order was obtained knew, or might reasonably have known, the fact of such minority, with costs to be paid by such pleader.

445. Any person being of sound mind and full age, other than a married woman living with her husband, may act as next friend of a minor:

Provided that the interest of such person is not adverse to that of the minor and that he is not a defendant in the suit.

446. (1) Where the interest of the next friend of a minor is adverse to that of such minor, or where he is so connected with a defendant whose interest is adverse to that of the minor, as to make it unlikely that the minor's interest will be properly protected by him, or where he does not do his duty, or ceases during the pendency of the suit to reside within British India, or for any other sufficient cause, application may be made on behalf of the minor or by a defendant for his removal; and the Court, if satisfied of the sufficiency of the cause assigned, may order the next friend to be removed accordingly.

(2) Where the next friend is not a guardian appointed or declared by an authority competent in this behalf, and an application is made by a guardian so appointed or declared, who desires to be himself appointed in the place of the next friend, the Court shall remove the next friend, unless it considers, for reasons to be recorded, that the guardian ought not to be appointed the next friend of the minor.

(3) Unless the Court otherwise directs, a next friend shall not retire without first procuring a fit person to be put in his place and giving security for the costs already incurred.

(4) The application for the appointment of a new next friend shall be supported by affidavit showing the fitness of the person proposed, and also that he has no interest adverse to that of the minor.

[Amended
by VII
1890, s.
(C).]

[447.]

*The Code of Civil Procedure, 1901.**Part III.—Of Suits in Particular Cases.—Chapter XXXI.—Suits by or against Minors and Persons of unsound mind.—Sections 448-460.)*

448. (1) On the death, removal or retirement of the next friend of a minor, further proceedings shall be stayed until the appointment of a next friend in his place.

[449.] **(2)** Where the pleader of such minor omits, within a reasonable time, to take steps to get a new next friend appointed, any person interested in the minor or in the matter at issue may apply to the Court for the appointment of a new next friend, and the Court may appoint such person as it thinks fit.

450. (1) A minor plaintiff, or a minor not a party to a suit on whose behalf an application is pending, shall, on attaining majority, elect whether he will proceed with the suit or application.

[451.] **(2)** Where such minor elects to proceed with the suit or application, he shall apply for an order discharging the next friend and permitting him to proceed in his own name, and the title of the suit or application shall in such case be corrected so as to read thenceforth thus:—

"A. B., late a minor, by C. D., his next friend, but now having attained majority."

[452.] **(3)** Where such minor elects to abandon the suit or application, he shall, if a sole plaintiff or sole applicant, apply for an order to dismiss the suit or application on repayment of the costs which may have been incurred by the defendant or respondent, or which may have been paid by his next friend.

[453.] **(4)** Any application under this section may be made *ex parte*; and it shall be proved by affidavit that the late minor has attained majority.

454. (1) Where a minor co-plaintiff, on attaining majority, desires to repudiate the suit, he shall apply to have his name struck out as co-plaintiff; and the Court, if it finds that he is not a necessary party, shall dismiss him from the suit on such terms as to costs or otherwise as it thinks fit.

(2) Notice of an application under this section shall be served on the next friend, as well as on the defendant; and it shall be proved by affidavit that the late minor has attained majority.

(3) The costs of such application, and of all or any proceedings theretofore had in the suit, shall be borne by such persons as the Court directs.

(4) Where the late minor is a necessary party to the suit, the Court may direct him to be made a defendant.

455. (1) Where a minor on attaining majority shows, to the satisfaction of the Court, that a suit instituted in his name by a next friend was unreasonable or improper, he may, if a sole plaintiff, apply to have the suit dismissed.

(2) Notice of an application under this section shall be served on all the parties concerned; and the Court, on being satisfied of such unreasonableness or impropriety, may grant the application, and order the next friend to pay the costs of all parties in respect of the application and of anything done in the suit.

456. (1) An order for the appointment of a guardian for the suit may be obtained upon application in the name and on behalf of the minor or by the plaintiff.

(2) Every application under this section shall be supported by an affidavit verifying the fact that the proposed guardian has no interest in the matters in question in the suit adverse to that of the minor, and that he is a fit person to be so appointed.

(3) Where there is no other person fit and willing to act as guardian for the suit, the Court may appoint any of its officers to be such guardian:

Provided that such officer has no interest adverse to that of the minor.

457. A co-defendant who is of sound mind and has attained majority may be appointed guardian for the suit, if he has no interest adverse to that of the minor; but neither a plaintiff, nor a married woman living with her husband, shall be so appointed.

458. Where the guardian for the suit of a minor does not do his duty, or where other sufficient ground is made to appear, the Court may remove such guardian and may order him to pay such costs as may have been occasioned to any party by his breach of duty.

459. Where the guardian for the suit dies during the pendency of the suit or is removed by the Court, the Court shall appoint a new guardian in his place.

460. Where application is made for the execution of a decree against the heir or representative, being a minor, of a deceased party, a guardian for the suit of such minor shall be appointed by the Court, and the decree-holder shall serve on such guardian notice of the application.

For s. 447 see clause 46 (1), (2).

For s. 449 see clause 448 (2).

For ss. 451-453 see clause 450 (2) (3), (4).

The Code of Civil Procedure, 190

(Part III.—Of Suits in Particular Cases.—Chapter XXXI.—Suits by or against Minors and Persons of unsound mind.—Sections 461-464. Chapter XXXII.—Suits by or against Military Men.—Section 465.)

ended
VIII of
9, s. 53

461. (1) A next friend or guardian for the suit shall not, except by leave of the Court, receive any money or other moveable property on behalf of a minor either—

(a) by way of compromise before decree or order, or

(b) under a decree or order in favour of the minor.

(2) Where the next friend or guardian for the suit has not been appointed or declared by competent authority to be guardian of the property of the minor, or, having been so appointed or declared, is under any disability known to the Court to receive the money or other moveable property, the Court shall, if it grants him leave to receive the property, require such security and give such directions as will, in its opinion, sufficiently protect the property from waste and ensure its proper application.

462. (1) No next friend or guardian for the suit shall, except by leave of the Court expressly recorded on his application, enter into any agreement or compromise on behalf of a minor, with reference to the suit in which he acts as next friend or guardian.

(2) Any such agreement or compromise entered into without such leave so recorded shall be voidable against all parties other than the minor.

(3) Where the Court sees reason to grant leave to a next friend or guardian to the suit to enter into any agreement or compromise on behalf of a minor, it shall record a proceeding or order showing that an application has been made to it, that the terms of the proposed agreement or compromise have been considered by it, and that, having regard to the interests of the minor, it has granted leave to make the agreement or compromise.

(4) Any decree purporting to have been passed in pursuance of an agreement or compromise without the proceeding or order required by sub-section (3) shall, on objection duly taken in appeal, be set aside; but no such decree shall be set aside, otherwise than on appeal, merely because no such proceeding was recorded or because the leave of the Court was not expressly but impliedly granted, if in fact it appears that the next friend or guardian for the suit assented on behalf of the minor, and that the agreement or compromise was accepted by the Court and resulted in a decree not prejudicial to the interests of the minor.

(5) A decree purporting to have been passed in pursuance of an agreement or compromise may be set aside either in a regular suit instituted under section 11, or upon an application

for review made under section 623 to the Court which passed the decree, by the minor through his next friend or by the minor himself on attaining majority; and the validity of such a decree shall not be called in question by way of objection to any proceeding taken in execution of it.

463. The provisions of sections 440 to 462 shall, so far as they are applicable, be deemed to apply in the case of persons of unsound mind, adjudged to be so under the Lunacy District Courts) Act, 1858, or under any other law for the time being in force, and of persons who, though not so adjudged, are found by the Court on inquiry to be unable, by reason of unsoundness of mind, to protect their interests when suing or being sued.

464. Nothing in this Chapter shall be deemed to apply to a sovereign prince or ruling chief suing or being sued in the name of his State or being sued, by direction of the Governor General in Council or of a Local Government, in the name of an agent or in any other name, or to affect or in any way derogate from the provisions of any local law for the time being in force relating to suits by or against minors or by or against lunatics or other persons of unsound mind.

CHAPTER XXXII.

SUITS BY OR AGAINST MILITARY MEN.

465. (1) Where any officer or soldier actually serving the Government in a military capacity is a party to a suit and cannot obtain leave of absence for the purpose of prosecuting or defending the suit in person, he may authorize any person to sue or defend in his stead.

(2) Such authority shall be in writing and shall be signed by the officer or soldier in the presence of—

(a) his commanding officer or, if he is himself the commanding officer, the next subordinate officer, or;

(b) where the officer or soldier is serving in military staff employment, the head or other superior officer of the office in which he is employed.

(3) Such commanding or other officer shall countersign the authority, which shall be filed in Court; and, when it has been so filed, the countersignature shall be sufficient proof that the authority was duly executed and that the officer or soldier by whom it was granted, could not obtain leave of absence for the purpose of prosecuting or defending the suit in person.

*The Code of Civil Procedure, 1901.**(Part III.—Of Suits in Particular Cases.—Chapter XXXIIA.—Suits by or against Firms and Persons carrying on business in names other than their own.—Sections 469A-469C.)*

[466.]

(4) Any person authorized by an officer or a soldier under this section to prosecute or defend a suit in his stead may prosecute or defend it in person in the same manner as the officer or soldier could do if present, or may appoint a pleader to prosecute or defend the suit on behalf of such officer or soldier.

[467.]

(5) Processes served upon any person authorized by an officer or a soldier under this section or upon any pleader appointed as aforesaid by such person to act for, or on behalf of, such officer or soldier, shall be as effectual as if they had been served on the party in person or on his pleader.

Explanation.—For the purposes of this Chapter, the expression “commanding officer” means the officer in actual command for the time being of any regiment, corps, detachment or depot to which an officer or soldier belongs.

[New.]

CHAPTER XXXIIA.

SUITS BY OR AGAINST FIRMS AND PERSONS CARRYING ON BUSINESS IN NAMES OTHER THAN THEIR OWN.

Of. O. xviii
s. 1.]

469A. Any two or more persons claiming or being liable as partners and carrying on business within the local limits of the jurisdiction of the Court, may sue or be sued in the name of the firm (if any) of which such persons were partners at the time of the accruing of the cause of action, and any party to a suit may in such case apply to the Court for a statement of the names and addresses of the persons who were, at the time of the accruing of the cause of action, partners in such firm, to be furnished and verified in such manner as the Court may direct.

Ibid.
s. 2.]

(2) Where a summons is issued upon the presentation of a plaint by partners in the name of their firm, the plaintiffs or their recognised agents shall, on demand in writing by or on behalf of any defendant, forthwith declare in writing the names and places of residence of all the persons constituting the firm on whose behalf the suit is brought.

(3) Where the plaintiffs or their recognised agents fail to comply with any demand made under sub-section (2), all proceedings in the suit may, upon an application for that purpose, be stayed upon such terms as the Court may direct.

(4) Where the names of the partners are declared in the manner referred to in sub-

For ss. 466 and 467 see clause 465 (4), (5).
S. 468, relating to service on military men, has been omitted as being unnecessary in view of the provisions of clause 90A, ante.

S. 469 was repealed by Act XIII, 1889.

section (2), the suit shall proceed in the same manner, and the same consequences in all respects shall follow, as if they had been named as plaintiffs in the plaint.

Provided that all the proceedings shall, nevertheless, continue in the name of the firm.

(5) Where persons are sued as partners in the name of their firm under this section, the summons shall be served either upon any one or more of the partners, or at the principal place at which the partnership business is carried on within the local limits of the jurisdiction of the Court, upon any person having, at the time of service, the control or management of the partnership business there; and such service shall be deemed to be service upon the firm so sued, whether all or any of the partners are out of jurisdiction or not; and it shall not be necessary to issue a summons upon any such partner.

Provided that, in the case of a partnership which has been dissolved to the knowledge of the plaintiff before the presentation of the plaint, summons shall be served upon every person within the local limits of the jurisdiction of the Court whom it is sought to make liable.

469B. Where a summons is issued upon a firm and is served in the manner provided by section 469A, sub-section (5), every person upon whom it is served, shall be informed by notice in writing given at the time of such service, whether he is served as a partner or as a person having the control or management of the partnership business, or in both characters; and, in default of such notice, the person served shall be deemed to be served as a partner.

469C. (1) Where persons are sued as partners in the name of their firm, they shall appear individually in their own names, but all subsequent proceedings shall, nevertheless, continue in the name of the firm.

(2) Where a summons is served in the manner provided by section 469A, sub-section (5), upon a person having the control or management of the partnership business, no appearance by him shall be necessary unless he is a member of the firm sued.

(3) Any person served as a partner under section 469A, sub-section (5), may enter an appearance under protest, denying that he is a partner; but such appearance shall not preclude the plaintiff from otherwise serving the firm and obtaining judgment against the firm in default of appearance where no partner has entered an appearance in the ordinary form.

The Code of Civil Procedure, 190 .

(Part III.—Of Suits in Particular Cases.—Chapter XXXIIA.—Suits by or against Firms and Persons carrying on business in names other than their own.—Sections 469D-469F.) Chapter XXXIII.—Interpleader.—Sections 470-473.)

469D. (1) Where a decree has been passed against a firm, execution may be granted—
Execution of decree against firm.

- (a) against any property of the partnership within the local limits of the jurisdiction of the Court;
- (b) against any person who has appeared in his own name under section 469C, sub-section (1) or sub-section (2), or who has admitted on the pleadings that he is, or who has been adjudged to be, a partner;
- (c) against any person who has been individually served, as a partner, with the summons and has failed to appear.

(2) Where the decree-holder claims to be entitled to cause the decree to be executed against any other person as being a partner in the firm, he may apply to the Court for leave, and, where the liability is not disputed, the Court may grant such leave or, where such liability is disputed, may order that the liability of such person be tried and determined, in the same manner, and with the like power, as if a suit had been instituted by the decree-holder as plaintiff against the judgment-debtor and the objector as defendants.

(3) Save as against any property of the partnership, a decree against a firm shall not release, render liable, or otherwise affect, any partner therein who was outside the local limits of the jurisdiction of the Court when the summons was issued and who has not appeared in compliance with such summons, unless service has been made upon such partner in accordance with the provisions of Chapter VI or, if he has come within such local limits after the summons was issued, in the manner provided by section 469A, sub-section (5).

(4) Debts owing from a firm carrying on business within the local limits of the jurisdiction of the Court may be attached in the manner prescribed by sections 268A to 268D, although one or more partners in such firm may be resident abroad:

Provided that any person having the control or management of the partnership business or any partner in the firm within such local limits is served with the garnishee order.

(5) An appearance by any partner in pursuance of an order shall be deemed to be a sufficient appearance by the firm.

469E. Sections 469A to 469D shall be deemed to apply to suits between a firm and one or more of the partners therein and to suits between firms having one or more partners in common, provided that such firm or firms carry on business within

the local limits of the jurisdiction of the Court; but no execution shall be issued in such suits except by leave of the Court, and, on an application for leave to issue such execution, all such accounts and inquiries may be directed to be taken and made, and directions given as may be just.

469F. Any person carrying on business within the local limits of the jurisdiction of a Court in a name or style other than his own may be sued in such name or style as if it were a firm name; and the foregoing provisions of this Chapter shall, so far as they are applicable, be deemed to apply.

CHAPTER XXXIII.

INTERPLEADER.

470. Where two or more persons claim adversely to one another the same payment or property from another person, whose only interest therein is that of a mere stakeholder and who is ready to render it to the right owner, such stakeholder may institute a suit of interpleader against all the claimants for the purpose of obtaining a decision as to whom the payment or property shall be made or delivered, and of obtaining indemnity for himself:

Provided that where any suit is pending in which the rights of all parties can properly be decided, the stakeholder shall not institute a suit of interpleader.

471. In every suit of interpleader the plaintiff in interpleader shall, in addition to the suit, other statements necessary for plaints, state—

- (a) that the plaintiff has no interest in the thing claimed otherwise than as a mere stakeholder;
- (b) the claims made by the defendants severally; and
- (c) that there is no collusion between the plaintiff and any of the defendants.

472. Where the thing claimed is capable of payment or deposit being paid into Court or deposited in the custody of the Court, the plaintiff shall so pay or deposit it before he can be entitled to any order in a suit of interpleader.

473. (1) At the first hearing the Court may—
Procedure at first hearing.

- (a) declare that the plaintiff is discharged from all liability to the defendants in respect of the thing claimed, award

The Code of Civil Procedure, 190 .

(Part III.—Of Suits in Particular Cases—Chapter XXXIII Interpleader.—Sections 474-476.)—Part IV.—Provisional Remedies.—Chapter XXXIV.—Of Arrest and Attachment before Judgment, except as regards immoveable property.—Section 477.)

him his costs, and dismiss him from the suit; or,

(b) if it thinks that justice or convenience so requires, retain all parties until the final disposal of the suit.

(2) The Court may, if it finds that the admissions of the parties or other evidence enable it to do so,—

(a) adjudicate the title to the thing claimed; or

(b) direct the defendants to interplead one another by filing statements and entering into evidence for the purpose of bringing their respective claims before the Court, and adjudicate on such claims.

474. Nothing in this Chapter shall be deemed to enable agents to sue their principals, or tenants to sue their landlords, for the purpose of compelling them to interplead with any persons other than persons making claim through such principals or landlords.

Illustrations.

(a) A deposits a box of jewels with B as his agent. C alleges that the jewels were wrongfully obtained from him by A, and claims them from B. B cannot institute an interpleader-suit against A and C.

(b) A deposits a box of jewels with B as his agent. He then writes to C for the purpose of making the jewels a security for a debt due from himself to C. A afterwards alleges that C's debt is satisfied, and C alleges the contrary. Both claim the jewels from B. B may institute an interpleader-suit against A and C.

475. Where a suit of interpleader is properly instituted, the Court may provide for the costs of the Plaintiff by giving him a charge on the thing claimed or in some other effectual way.

476. Where any of the defendants in a suit of interpleader is actually suing the stakeholder in respect of the subject-matter of such suit, the Court in which the suit against the stakeholder is pending, shall, on being duly informed by the Court which passed the decree in the suit of interpleader in favour of the stakeholder, that such decree has been passed, stay the proceedings as against him; and his costs in the suit so stayed may be provided for in such suit; but, if and in so far as they are not provided for in that suit, they may be added to his costs incurred in the suit of interpleader.

PART IV. PROVISIONAL REMEDIES.

CHAPTER XXXIV.

OF ARREST AND ATTACHMENT BEFORE JUDGMENT, EXCEPT AS REGARDS IMMOVEABLE PROPERTY.

Arrest before judgment.

477. (1) Where at any stage of a suit, other than a suit for the possession of immoveable property, the plaintiff satisfies the Court, by affidavit or otherwise,—

(a) that the defendant, with intent to avoid or delay the plaintiff, or to avoid any process of the Court, or to obstruct or delay the execution of any decree that may be passed against him,—

(i) has absconded or left the local limits of the jurisdiction of the Court, or

(ii) is about to abscond or leave the local limits of the jurisdiction of the Court, or

(iii) has disposed of or removed from the local limits of the jurisdiction of the Court his property or any part thereof, or

(b) that the defendant is about to leave British India under circumstances affording reasonable probability that the plaintiff will or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant in the suit,

the plaintiff may apply to the Court that security be taken for the appearance of the defendant to satisfy any decree that may be passed against him in the suit.

(2) If the plaintiff satisfies the Court as required by sub-section (1), the Court may issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not give security for his appearance.

(3) If the defendant fails to show such cause, the Court shall order him either to deposit in Court money or other property sufficient to answer the claim against him, or to give security for his appearance at any time when called upon while the suit is pending and until execution or satisfaction of any decree that may be passed against him in the suit.

(4) Every surety for the appearance of a defendant shall bind himself, in default of such appearance, to pay any sum of money which the defendant may be ordered to pay in the suit; and any sum of money which such surety binds himself to pay shall be recoverable in the manner provided by section 253.

*The Code of Civil Procedure, 190 .**(Part IV.—Provisional Remedies.—Chapter XXXIV.—Of Arrest and Attachment before Judgment, except as regards immovable property.—Sections 480-488.)*

480. (1) A surety for the appearance of a defendant may at any time apply to the Court in which he became such surety, to be discharged from his obligation.

(2) On such application being made, the Court shall summon the defendant to appear, or, if it thinks fit, may issue a warrant for his arrest in the first instance.

(3) On the appearance of the defendant in pursuance of the summons or warrant, or on his voluntary surrender, the Court shall direct the surety to be discharged from his obligation, and shall call upon the defendant to find fresh security.

481. Where the defendant fails to comply with an order made under section 477, sub-section (3), or section 480, the Court may commit him to prison until the decision of the suit, or, where judgment is delivered against the defendant, until the execution of the decree:

Provided, first, that no person shall be detained in prison under this section in any case for a longer period than six months, nor for a longer period than six weeks when the amount or value of the subject-matter of the suit does not exceed fifty rupees:

Provided, also, that no person shall be detained in prison under this section after he has complied with the order under section 477, sub-section (3), or section 480, as the case may be.

482. The provisions of section 338, sub-sections (2) to (5), as to allowance payable for the subsistence of judgment-debtors shall be deemed to apply to all defendants arrested under this Chapter.

Attachment before judgment.

483. (1) Where, at any stage of a suit, the plaintiff satisfies the Court, by affidavit or otherwise, that the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him,—

(a) is about to dispose of the whole or any part of his property, or

(b) is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Court in which the suit is pending, or

(c) has quitted the local limits of the jurisdiction of the Court, leaving therein property belonging to him,

the plaintiff may apply to the Court to call upon the defendant to furnish security to satisfy

any decree that may be passed against him in such suit and, on his failing to give such security, to direct that any portion of his property within the local limits of the jurisdiction of the Court be attached until the further order of the Court.

(2) Every application made under this section shall, unless the Court otherwise directs, specify the property required to be attached and the estimated value thereof.

(3) If the Court, after examining the applicant or his recognised agent and making any further investigation which it thinks fit, is satisfied, as required by sub-section (1), the Court may direct the defendant, within a time to be fixed by it, either to furnish security, in such sum as may be specified in the order, to produce and place at the disposal of the Court, when required, the said property or the value of the same, or such portion thereof as may be sufficient to satisfy the decree, or to appear and show cause why he should not furnish security.

(4) The Court may also in the order direct the conditional attachment of the whole or any portion of the property specified in the application.

(5) If the defendant fails to show cause why he should not furnish security, or fails to furnish the security required, within the time fixed by the Court, the Court may order that the property specified in the application, or such portion thereof as appears sufficient to satisfy any decree which may be passed in the suit, be attached.

(6) If the defendant shows such cause or furnishes the required security, and the property specified in the application or any portion of it has been attached, the Court shall order the attachment to be withdrawn.

(7) The attachment shall be made in the manner provided by this Code for the attachment of property in the execution of a decree for the payment of money.

Explanation.—For the purposes of this section, property includes property of every description, whether moveable or immovable.

487. Where a claim is preferred to property attached before judgment, such claim shall be investigated in the manner hereinbefore provided for the investigation of claims to property attached in the execution of a decree for the payment of money.

488. Where an order is made for attachment before judgment, the Court which made the order shall remove the

For ss. 478 and 479 see clause 447 (2), (3), (4).

For ss. 484, 485 and 486 see clause 483 (3), (4), (5), (6), (7).

The Code of Civil Procedure, 1901.

(Part IV.—Provisional Remedies.—Chapter XXXIV.—Of Arrest and Attachment before Judgment, except as regards immoveable property.—Sections 480-491A. Chapter XXXV.—Of temporary Injunctions and Interlocutory Orders.—Sections 492-493.)

attachment when the defendant furnishes the security required, together with security for the costs of the attachment, or when the suit is dismissed :

Provided that, where an attachment before judgment has been removed by dismissal of the suit and such dismissal is set aside, the attachment shall be deemed to be restored.

489. Attachment before judgment shall not be deemed to affect the rights existing prior to the attachment, of persons not parties to the suit, nor bar any person holding a decree against the defendant from applying for the sale of the property under attachment in execution of such decree ; but it shall confer no priority as against the assignee entitled to the property of an insolvent under a vesting order made after such attachment but before the passing of a decree.

490. Where property is attached before judgment and a decree is subsequently passed in favour of the plaintiff, it shall not be necessary to re-attach the property in execution of such decree.

490A. Nothing in this Chapter shall be deemed to authorize the plaintiff to apply for the attachment of any growing crop in the possession of an agriculturist, or to empower the Court to order the attachment or production of such a crop, otherwise than in execution of a decree.

Compensation for improper arrest or attachment.

491. (1) Where in any suit in which an arrest or attachment has been effected,—

(a) it appears to the Court that such arrest or attachment was applied for on insufficient grounds, or

(b) the suit of the plaintiff fails and it appears to the Court that there was no probable ground for instituting the same,

the defendant, whether process in the suit has or has not been served upon him, may apply to the Court and the Court may, upon such application, award against the plaintiff in its decree such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the defendant for the expense or injury caused to him by the arrest or attachment :

Provided that the Court shall not award under this section a larger amount than it might decree in a suit for compensation.

(2) An award under this section shall bar any suit for compensation in respect of such arrest or attachment.

491A. Nothing in this Chapter shall be deemed to authorize a Court to order the arrest or detention in prison of any woman who would not, by reason of the provisions of section 245A, be liable to arrest or detention in prison in execution of a decree for the payment of money.

CHAPTER XXXV.

OF TEMPORARY INJUNCTIONS AND INTERLOCUTORY ORDERS.

Temporary injunctions.

492. (1) Where in any suit it is proved, by affidavit or otherwise,—

(a) that any property in dispute in the suit is in danger of being wasted, damaged or alienated by any party to the suit or wrongfully sold in execution of a decree, or

(b) that the defendant threatens, or is about, to remove or dispose of his property with intent to defraud his creditors,

the Court may by order grant a temporary injunction to restrain such act, or make such other order for the purpose of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the property as it thinks fit.

493. (1) In any suit for restraining the defendant from committing a breach of contract or other injury, whether compensation is claimed in the suit or not, the plaintiff may, at any time after the commencement of the suit and either before or after judgment, apply to the Court for a temporary injunction to restrain the defendant from committing the breach of contract or injury complained of, or any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right.

(2) The Court may, by order, grant such injunction on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as it thinks fit.

(3) In case of disobedience, an injunction granted under this section or section 492 may be enforced by the simple imprisonment of the defendant for a term not exceeding six months, or by the attachment of his property, or by both.

(4) No attachment under sub-section (3) shall remain in force for more than one year, at the end of which time, if the defendant has not obeyed the injunction, the property attached may be sold, and out of the proceeds the Court may award to the plaintiff such compensation as it thinks fit and pay the balance (if any) to the defendant.

*The Code of Civil Procedure, 190 .**(Part IV.—Provisional Remedies.—Chapter XXXV.—Of temporary Injunctions and Interlocutory Orders.—Sections 494-502.)*

494. The Court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite party.

495. An injunction directed to a corporation or company shall be binding, not only on the corporation or company itself, but also on all members and officers of the corporation or company whose personal action it purports to restrain.

496. Any order for an injunction may be discharged, varied or set aside by the Court, on the application of any party dissatisfied with such order.

497. (1) Where—

Compensation to defendant for issue of injunction on insufficient grounds.

(a) it appears to the Court that an injunction granted by it was applied for on insufficient grounds, or,

(b) after the issue of an injunction, the suit is dismissed or judgment is given against the plaintiff by default or otherwise and it appears to the Court that there was no probable ground for instituting the suit,

the Court may, on the application of the defendant, award against the plaintiff in its decree such sum, not exceeding one thousand rupees, as it deems a reasonable compensation to the defendant for the expense or injury caused to him by the issue of the injunction :

Provided that the Court shall not under this section award a larger amount than it might decree in a suit for compensation.

(2) An award under this section shall bar any suit for compensation in respect of the issue of the injunction.

Interlocutory orders.

498. The Court may, on the application of any party to a suit, order the sale, by any person named in such order and in such manner and on such terms as it thinks fit, of any moveable property, being the subject-matter of such suit, which is subject to speedy and natural decay.

499. (1) The Court may, on the application of any party to a suit and on such terms as it thinks fit,—
Power to make order for detention, etc., of subject-matter, and to authorize entry, taking of samples and experiments.

(a) make an order for the detention, preservation or inspection of any property which is the subject-matter of such suit or as to which any question may arise therein ;

(b) for all or any of the purposes aforesaid, authorize any person to enter upon or into any land or building in the possession of any other party to such suit ; and,

(c) for all or any of the purposes aforesaid, authorize any samples to be taken, or any observation to be made or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence.

(2) The provisions hereinbefore contained as to execution of process shall, so far as they are applicable, be deemed to apply to persons authorized to enter under this section.

500. (1) An application by the plaintiff for an order under section 498 or section 499 may be made after notice in writing to the defendant at any time after service of the summons.

(2) An application by the defendant for a like order may be made after notice in writing to the plaintiff, and at any time after the applicant has appeared.

501. (1) Where land paying revenue to the Government, or a tenure liable to sale, is the subject-matter of a suit, if the party in possession of such land or tenure neglects to pay the Government revenue or the rent due to the proprietor of the tenure, as the case may be, and such land or tenure is consequently ordered to be sold, any other party to the suit claiming to have an interest in such land or tenure may, upon payment of the revenue or rent due previously to the sale and with or without security at the discretion of the Court, be put in immediate possession of the land or tenure.

(2) The Court may, in a decree passed under sub-section (1), award against the defaulter the amount so paid, with interest thereupon at such rate as it thinks fit, or may charge the amount so paid, with interest thereupon at such rate as it thinks fit, in any adjustment of accounts which may be directed in the decree passed in the suit.

502. Where the subject-matter of a suit is money or some other thing capable of delivery, and any party thereto admits that he holds such money or other thing as a trustee for another party, or that it belongs or is due to another party, the Court may order the same to be deposited in Court or delivered to such last-named party, with or without security, subject to the further directions of the Court.

The Code of Civil Procedure, 190 .

(Part IV.—Provisional Remedies.—Chapter XXXVI.—Appointment of Receivers.—Sections 503-505. Part V.—Of Special Proceedings.—Chapter XXXVII.—Reference to Arbitration.—Sections 506-507.)

CHAPTER XXXVI.

APPOINTMENT OF RECEIVERS.

Amended
VII of
88, s. 42.]

503. (1) Where it appears to the Court to be necessary for the realisation, preservation or better custody or management of any property, moveable or immoveable, the subject-matter of a suit or under attachment, the Court may, in its discretion, by order appoint a receiver of such property.

(2) Where the Court appoints a receiver or any property under sub-section (1), it may—

- (a) remove the person in whose possession or custody the property is from the possession or custody thereof ;
- (b) commit the same to the custody or management of such receiver ;
- (c) confer upon such receiver all such powers as to bringing and defending suits, and for the realisation, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of instruments in writing, as the owner himself has, or such of those powers as the Court thinks fit ;
- (d) by general or special order, fix the fee or commission on the rents and profits of the property to be paid in respect of the services of such receiver ; and
- (e) by general and special order, direct, in the case of a receiver other than an official receiver, the remuneration to be paid to him out of such fee or commission.

(3) In exercising its discretion under this section, the Court shall not, upon the application of a plaintiff, appoint a receiver of property in the possession of the defendant claiming under a legal title unless the plaintiff can show *prima facie* that he has a strong case and a good title to such property.

(4) Every receiver appointed under this section shall—

- (a) give such security (if any) as the Court thinks fit duly to account for what he receives in respect of the property ;
- (b) pass his accounts at such periods and in such form as the Court directs ;
- (c) pay the balance due from him thereon as the Court directs ; and
- (d) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

(5) Nothing in this section shall be deemed to authorize the Court to remove from the possession or custody of property under attachment

any person whom the parties to the suit, or some or one of them, have or has not a present right so to remove. Amended by VII of 1888, s. 43

504. (1) Where the property is land paying revenue to the Government. Appointment of Collector to be receiver. or land of which the revenue has been assigned or redeemed, the Court may, with the consent of the Collector, appoint the Collector to be the receiver of such property, if it considers that the interests of those concerned will be promoted by making such an appointment.

(2) Where any person other than the Collector is appointed to be the receiver of property of the description referred to in sub-section (1), immediate notice of such appointment shall be given to the Collector by the Court.

505. The powers conferred by this Chapter shall be exercised only by Courts empowered under this Chapter. High Courts and District Courts :

Provided that, whenever the Judge of a Court subordinate to a District Court considers it necessary that a receiver should be appointed in any suit before him, he shall nominate such person as he considers fit for such appointment and submit the name of such person, with the grounds for the nomination, to the District Court, and the District Court shall authorize such Judge to appoint the person so nominated, or pass such other order as it thinks fit.

PART V.

OF SPECIAL PROCEEDINGS.

CHAPTER XXXVII.

REFERENCE TO ARBITRATION.

506. (1) Where all the parties to a suit desire that any matter in difference between them in the suit be referred to arbitration, they may, at any time before judgment is pronounced, apply, in person or by their respective pleaders specially authorized in writing in this behalf, to the Court for an order of reference.

(2) Every such application shall be in writing and shall state the particular matter sought to be referred.

507. (1) The arbitrator shall be nominated by the parties, or elected or chosen in such manner as may be agreed upon between them.

(2) Where the parties cannot agree, within a reasonable time, with respect to such nomination, election or choice, or such election or choice cannot be made without unreasonable delay or expense, or the person nominated,

*The Code of Civil Procedure, 1901.**(Part V.—Of Special Proceedings.—Chapter XXXVII.—Reference to Arbitration.—Sections 508-516.)*

507. If an arbitrator or umpire appointed or chosen refuses to accept the arbitration, the Court shall nominate the arbitrator, unless it has been expressly stated in the application under section 506 that the Court shall not make such nomination.

508. (1) The Court shall, by order, refer to the arbitrator the matter in difference which he is required to determine, and shall fix such time as it thinks reasonable for the delivery of the award, and shall specify such time in the order.

(2) Where a matter is referred to arbitration, the Court shall not, save as hereinafter provided, deal with such matter in the same suit.

509. (1) Where the reference is to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators—

- (a) by the appointment of an umpire; or
- (b) by declaring that, if the majority of the arbitrators agree, the decision of the majority shall prevail; or
- (c) by empowering the arbitrators to appoint an umpire; or
- (d) otherwise as may be agreed between the parties, or, if they cannot agree, as the Court may determine.

(2) When an umpire is appointed, the Court shall fix such time as it thinks reasonable for the delivery of his award in case he is required to act.

510. Where the arbitrator or, if the reference is to two or more arbitrators, any of the arbitrators or the umpire, dies or refuses or neglects or becomes incapable to act, or leaves British India under circumstances showing that he will probably not return at an early date, or misconducts himself, the Court may, unless it is otherwise expressly stated in the application under section 506, appoint a new arbitrator or umpire in the place of the person so dying, or refusing or neglecting or becoming incapable to act, or leaving British India, or misconducting himself; or may make an order superseding the arbitration, and in such case shall proceed with the suit.

511. Where the arbitrators are empowered by the order of reference to appoint an umpire and fail to do so, any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if, within seven clear days after such notice has been served or such further time as the Court may in each case allow, no umpire is appointed, the Court may, on the application of the party who has served such notice as aforesaid, appoint an umpire.

512. Every arbitrator or umpire appointed under section 509, section 510 or section 511, shall have the like powers as if his name had been inserted in the order of reference.

513. (1) The Court shall issue the same processes to the parties and witnesses whom the arbitrators or umpire desire or desires to examine, as the Court may issue in suits tried before it.

(2) Persons not attending in accordance with such process, or making any other default, or refusing to give their evidence, or guilty of any contempt to the arbitrator or umpire during the investigation of the matters referred, shall be subject to the like disadvantages, penalties and punishments, by order of the Court on the representation of the arbitrator or umpire, as they would incur for the like offences in suits tried before the Court.

514. Where from the want of the necessary evidence or information, or from any other cause, the arbitrators or the umpire cannot complete the award within the period specified in the order, the Court may, if it thinks fit, either allow further time, and from time to time, either before or (if the parties to the reference do not object) after the expiry of the period fixed for the delivery of the award, enlarge such period; or may make an order superseding the arbitration and in such case shall proceed with the suit.

515. Where an umpire has been appointed, he may enter on the reference in the place of the arbitrators,—

- (a) if they have allowed the appointed time to expire without making an award, or
- (b) if they have delivered to the Court or to the umpire a notice in writing stating that they cannot agree.

516. (1) Where an award in a suit has been made the persons who made it shall sign it and cause it to be filed in Court, together with any depositions and documents which have been taken and proved before them; and notice of the filing shall be given to the parties.

(2) An award shall not be deemed invalid merely because it has not been signed by all the arbitrators at one and the same time and by each in the presence of the others; but it shall be signed by each arbitrator either immediately after it has been made or within such period as the Court may find to be reasonable.

*The Code of Civil Procedure, 1901.**(Part V.—Of Special Proceedings.—Chapter XXXVII.—Reference to Arbitration.—Sections 517-523.)*

517. Upon any reference by an order of the Court, the arbitrators or umpire may, with the consent of the Court, state the award as to the whole or any part thereof in the form of a special case for the opinion of the Court; and the Court shall deliver its opinion thereon; and such opinion shall be added to and form part of the award.

518. The Court may, by order, modify or correct an award,—

- (a) where it appears that a part of the award is upon a matter not referred to arbitration, and such part can be separated from the other part and does not affect the decision on the matter referred; or
- (b) where the award is imperfect in form, or contains any obvious error which can be amended without affecting such decision; or
- (c) where the award contains a clerical mistake or error arising from an accidental slip or omission.

519. The Court may also make such order as it thinks fit respecting the costs of the arbitration where any question arises respecting such costs and the award contains no sufficient provision concerning them.

520. The Court may remit the award or any matter referred to arbitration to the reconsideration of the same arbitrators or umpire, upon such terms as it thinks fit,—

- (a) where the award has left undetermined any of the matters referred to arbitration, or where it determines any matter not referred to arbitration;
- (b) where the award is so indefinite as to be incapable of execution;
- (c) where an objection to the legality of the award is apparent upon the face of it;
- (d) where the award contains a clerical mistake or error arising from an accidental slip or omission;
- (e) where, for any other sufficient reason, the Court is of opinion that the award should be reconsidered by the arbitrators or umpire.

521. (1) An award may be set aside by the Court on any of the following grounds, namely:—

- (a) the corruption or misconduct of the arbitrator or umpire;

(b) either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the arbitrator or umpire;

(c) the award having been made after the issue of an order by the Court superseding the arbitration and restoring the suit;

(d) the award not having been made within the period fixed or enlarged by the Court;

(e) the award having been remitted to the arbitrators or umpire under section 520, clauses (a) to (d), and the arbitrators or umpire having refused to reconsider it.

Provided that no award shall be set aside on the ground specified in clause (d), unless an express objection on that ground has, before the time for making an application to set aside the award been made by the parties to the reference or by any of them.

(2) No award shall be set aside save as provided by sub-section (1).

522. (1) Where the Court sees no cause to remit the award or any of the matters referred to arbitration for reconsideration in manner aforesaid, and no application has been made to set aside the award, or the Court has refused such application, the Court shall, after the time for making such application has expired, proceed to deliver judgment according to the award, or, if the award has been submitted to it in the form of a special case, according to its own opinion on such case.

(2) Upon the judgment so delivered a decree shall follow, and shall be enforced in the manner hereinbefore provided for the execution of decrees.

523. (1) Where any persons agree in writing that any difference between them, present or future, shall be referred to arbitration, the parties to the agreement or any of them, may apply to any Court having jurisdiction in the matter to which the agreement relates at any time before a final award has been made in pursuance of such agreement, that the agreement be filed in Court.

(2) The application shall be in writing and shall be numbered and registered as a suit between one or more of the parties interested or claiming to be interested as plaintiff or plaintiffs, and the others or other of them as defendants or defendant, if the application has been presented

*The Code of Civil Procedure, 190 .**(Part V.—Of Special Proceedings.—Chapter XXXVII.—Reference to Arbitration.—Sections 523A-526B.)*

by all the parties, or, if otherwise, between the applicant as plaintiff and the other parties as defendants.

(3) On such application being made, the Court shall direct notice thereof to be given to all the parties to the agreement other than the applicants requiring such parties to show cause, within the time specified in the notice, why the agreement should not be filed.

(4) Where no sufficient cause is shown, the Court may cause the agreement to be filed, and, if and when any such difference has arisen, shall make an order of reference to an arbitrator or arbitrators nominated, elected or chosen in accordance with the provisions of section 507, and may also nominate the arbitrator, when he is not named therein and the parties cannot agree as to the nomination.

523A. Where any party to an agreement to refer to arbitration, or any person claiming under him commences any legal proceedings against any other party to the agreement or any person claiming under him, in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance and before filing a written statement, apply to the Court to stay the proceedings; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the agreement to refer to arbitration, and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

524. The foregoing provisions of this Chapter, so far as they are consistent with any agreement filed under section 523, shall be applicable to all proceedings under the order of reference made by the Court under that section, and to the award and to the execution of the decree following thereon.

525. (1) Where any matter has been referred to arbitration without the intervention of a Court, and an award has been made thereon, any person interested in the award may apply to the Court of the lowest grade having jurisdiction over the

matter to which the award relates, that the award be filed in Court.

(2) The application shall be in writing and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants.

(3) Save as provided by this section, no persons interested in the award shall institute or maintain any suit or other proceeding for the purpose either of causing the award to be filed or otherwise enforced or of obtaining any relief with respect to the matter referred.

(4) The Court shall direct notice to be given to the parties to the arbitration, other than the applicant, requiring them to show cause, within a time specified, why the award should not be filed.

526. (1) The Court shall determine all questions relating to the existence and validity of an agreement to refer to arbitration or of an award, and, where it finds that there has been a valid agreement to refer and a valid award under it, it shall order such award to be filed; and such award shall thereupon take effect as an award made under the provisions of this Chapter.

(2) For the purposes of this section, the Court shall have all the powers conferred upon it by sections 518 to 522.

526A. In any case in which, but for proceedings under this Chapter, an appeal would have lain from the decree or final order of the Court, an appeal shall lie from a decree upon an award or from a final order setting aside or refusing to file an agreement or an award:

Provided that no such decree or final order shall be set aside or varied, in appeal or otherwise, save in so far as a duty is imposed, or a discretion is conferred, upon the Court by the provisions of this Chapter.

526B. The last thirty-seven words of section 21 of the Specific Relief Act 1877, shall not apply to any agreement to refer to arbitration, or to any award, to which the provisions of this Chapter apply.

Exclusion of certain words in the Specific Relief Act, 1877.

The Code of Civil Procedure, 1901.

(Part V.—Of Special Proceedings.—Chapter XXXVIII.—Of Proceedings on Agreement of Parties.—Sections 527-529. Chapter XXXIX.—Of Summary Procedure on Negotiable Instruments.—Section 532.)

CHAPTER XXXVIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

527. (1) Parties claiming to be interested in the ^{Power to state case} decision of any question of ^{fact or of law} may enter into an agreement in writing stating such question in the form of a case for the opinion of the Court, and providing that, upon the finding of the Court with respect to such question,—

- (a) a sum of money fixed by the parties or to be determined by the Court shall be paid by one of the parties to the other of them; or
- (b) some property, moveable or immoveable, specified in the agreement shall be delivered by one of the parties to the other of them; or
- (c) one or more of the parties shall do, or refrain from doing, some other particular act specified in the agreement.

(2) Every case stated under this section shall be divided into consecutively numbered paragraphs, and shall concisely state such facts and specify such documents as may be necessary to enable the Court to decide the question raised thereby.

528. Where the agreement is for the delivery of any property, or for the doing, or the refraining from doing, any particular act, the estimated value of the property to be delivered, or of the property (if any) to which the act specified has reference, shall be stated in the agreement.

529. (1) The agreement, if framed in accordance with the foregoing provisions, may be filed in the Court which would have jurisdiction to entertain a suit, the amount or value of the subject-matter of which is the same as the amount or value of the subject-matter of the agreement.

(2) Every agreement, when so filed, shall be numbered and registered as a suit between one or more of the parties claiming to be interested, as plaintiff or plaintiffs, and the other or others of them as defendant or defendants; and notice shall be given to all the parties to the agreement, other than the party or parties by whom it was presented.

[530.] (3) Where an agreement has been so filed, the parties to it shall be subject to the jurisdiction of the Court and shall be bound by the statements contained in the agreement.

[531.] (4) The case shall be set down for hearing as a suit instituted under Chapter V, the provisions of which shall, so far as they are applicable, be deemed to apply.

(5) Where the Court is satisfied, after an examination of the parties or after taking such evidence as it thinks fit,—

- (a) that the agreement was duly executed by them, and
 - (b) that they have a *bona fide* interest in the question stated therein, and
 - (c) that the same is fit to be decided,
- it shall proceed to deliver judgment thereon, in the same way as in an ordinary suit, and upon the judgment so delivered a decree shall follow and shall be executed in the manner provided by this Code for the execution of decrees.

CHAPTER XXXIX.

OF SUMMARY PROCEDURE ON NEGOTIABLE INSTRUMENTS.

532. (1) In any Court to which this Chapter applies, all suits upon bills of exchange, hundis or promissory notes may, in case the plaintiff desires to proceed under this Chapter, be instituted by presenting a plaint in the form prescribed by this Code; but the summons shall be in the form No. 172 contained in the fourth schedule, or in such other form as the High Court may from time to time prescribe.

(2) In any case in which the plaint and summons are in such forms respectively, the defendant shall not appear or defend the suit unless he obtains leave from a Judge as hereinafter provided so to appear and defend.

(3) In default of the defendant obtaining such leave or of his appearance and defence in pursuance thereof, the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons, together with interest at the rate specified or, where no rate is specified, at such rate (if any) as might be recovered in a regular suit, to the date of the decree, and a sum for costs to be fixed by a rule of the High Court, unless the plaintiff claims more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be executed forthwith.

(4) The defendant shall not be required to pay into Court the sum mentioned in the summons or to give security therefor, unless the Court thinks his defence not to be *prima facie* sustainable, or feels reasonable doubt as to its good faith.

(5) This section shall not be deemed to be confined to cases in which a bill, hundi or promissory note sued upon, together with mere lapse of

The Code of Civil Procedure, 190 .

(Part V.—Of Special Proceedings.—Chapter XXXIX.—Of Summary Procedure on Negotiable Instruments.—Sections 533-538. Chapter XL.—Of Suits relating to Public Charities—Section 539.)

time, is sufficient to establish a *prima facie* right to recover.

533. (1) The Court shall, on the application of the defendant, grant him leave to appear and to defend the suit, upon his paying into Court the sum mentioned in the summons, or upon affidavits showing, to the satisfaction of the Court, a defence or such facts as would make it incumbent on the holder to prove consideration, or other facts sufficient to support the application, and on such terms as to security, framing and recording issues, or otherwise, as the Court thinks fit.

(2) The leave referred to in sub-section (1) may be given upon an *ex parte* application: Provided that, in any such case, the plaintiff shall be entitled to show by affidavit or otherwise, that leave should not have been granted or should have been granted on more stringent terms.

534. After decree the Court may, under special circumstances, set aside the decree and, if necessary, stay or set aside execution, and may grant leave to the defendant to appear to the summons and defend the suit, if it seems reasonable to the Court so to do, and on such terms as the Court thinks fit.

535. In any proceeding under this Chapter the Court may order the bill, hundi or promissory note on which the suit is founded, to be forthwith deposited with an officer of the Court, and may further order that all proceedings be stayed until the plaintiff gives security for the costs thereof.

536. The holder of every dishonoured bill of exchange or promissory note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under this Chapter for the recovery of the amount of such bill or note.

537. Save as otherwise provided by this Chapter, the procedure in suits under this Chapter shall be the same as the procedure in suits instituted under Chapter V.

538. (1) The provisions of this Chapter shall apply only to—

- (a) the High Courts of Judicature at Fort William in Bengal and at Madras and Bombay;
- (b) the Chief Court of Lower Burma;
- (c) the Presidency Courts of Small Causes in Calcutta, Madras and Bombay;
- (d) the Court of the Judge of Karachi; and

(e) any other Court having ordinary original civil jurisdiction to which the Local Government may, by notification in the local official Gazette, apply them.

(2) The Local Government may in like manner direct by whom any of the powers and duties incident to the provisions so applied shall be exercised and performed, and make any rules which it thinks fit for carrying the same into operation.

(3) Within one month after a notification under sub-section (1), clause (e), has been published, the said provisions shall apply accordingly, and the rules so made shall have effect as if enacted in this Code.

CHAPTER XL.

OF SUITS RELATING TO PUBLIC CHARITIES.

539. (1) In the case of the alleged breach of any express or constructive trust created for public, charitable or religious purposes, or where the direction of the Court is deemed necessary for the administration of any such trust, the Advocate General or two or more persons having an interest in the trust and having obtained the consent in writing of the Advocate General, may institute a suit, whether contentious or otherwise, in the High Court, or in the District Court within the local limits of whose jurisdiction the whole or any part of the subject-matter of the trust is situate, to obtain a decree—

- (a) removing any trustee,
- (b) appointing a new trustee or new trustees under the trust;
- (c) vesting any property in the trustees under the trust;
- (d) recovering any of the trust-property from the hands of the trustees or of third parties;
- (e) declaring what proportion of, or interest in, the trust-property shall be assigned for the fulfilment of any particular object of the trust;
- (f) authorizing the whole or any part of the trust property to be let, sold, mortgaged or exchanged;
- (g) settling a scheme for the management of the trust-property; or
- (h) granting such further or other relief as the nature of the case may require.

(2) The powers conferred by this section on the Advocate General may, outside the Presidency-towns, be, with the previous sanction of the Local Government, exercised also by the Collector or by such officer as the Local Government may appoint in this behalf.

[Amended by VI of 1900.]

Application of Chapter.

[Amended VII of 188: s. 44.]

The Code of Civil Procedure, 1901.

(Part VI.—Of Appeals.—Chapter XLI.—Of Appeals from original Decrees.—Sections 540-544.)

PART VI OF APPEALS.

CHAPTER XLI.

OF APPEALS FROM ORIGINAL DECREES

540. (1) Save and in so far as is otherwise expressly provided by this Code or by any other law for the time being in force, an appeal shall lie from the decrees, or from any part of the decrees, of the Courts exercising original jurisdiction to the Courts authorized to hear appeals from the decisions of those Courts.

(2) An appeal may lie under this section from an original decree passed *ex parte*.

(3) Where an appeal lies under this section from a decree which by this Code is preliminary to a final decree, such preliminary decree shall not be set aside or otherwise altered in appeal unless the appeal is preferred against it; and no plea, which has been or might have been taken in such an appeal, shall be heard in an appeal preferred against the final decree.

(4) Where the pecuniary value of an appeal determines the Court authorized to hear it within the meaning of this section, the test of jurisdiction shall be deemed to be the valuation of the original suit and not the actual amount affected by the decree.

540A. (1) An appeal from a decree under Section 540 may be preferred by any party to the suit adversely affected by the decree or any part thereof, or, if such party is dead, by his legal representative, or by any transferee of his interest who, in so far as such interest is concerned, is bound by the decree.

(2) Where there are two or more legal representatives of a deceased party and they do not all join in preferring the appeal, those who do not join, shall be made respondents.

(3) An appeal preferred by or on behalf of any person claiming to be the transferee of any party shall be rejected unless the transfer is proved to the satisfaction of the Court and an application is made, before presentation of the memorandum of appeal referred to in section 541, to the Court which passed the decree, for the entry of the name of the transferee, in place of that of the transferor, in the register of civil suits and in the decree.

541. (1) Every appeal shall be preferred in the form of a memorandum in writing presented by the appellant, and shall be accompanied by as many copies on plain paper as there are respondents.

(2) The memorandum of appeal shall further be accompanied by a copy of the decree appealed from and by a copy of the judgment on which it is founded, unless the Court, in its discretion, thinks fit to fix a period within which both or either of such copies shall be filed, or from time to time to extend such period.

(3) The memorandum of appeal shall set forth, concisely and under distinct heads, the grounds of objection to the decree appealed from, without any argument or narrative; and such grounds shall be numbered consecutively.

(4) The appellant shall not, except by leave of the Court, urge or be heard in support of any ground of objection—

[542.]

(a) not set forth in the memorandum of appeal as provided by sub-section (3); or

(b) not taken and pressed in the Court which passed the decree appealed from.

Provided that the Appellate Court, in deciding the appeal shall not be confined to the grounds of objection set forth in the memorandum of appeal as provided by sub-section (3), or taken by leave of the Court under sub-section (4):

Provided, also, that the Appellate Court shall not rest its decision on any other ground unless the party adversely affected thereby has had a sufficient opportunity for contesting the case on that ground.

543. (1) Where the memorandum of appeal is not drawn up in the manner hereinbefore prescribed, it may be rejected, or be returned to the appellant for the purpose of being amended within a time to be fixed by the Court, or be amended then and there.

(2) Where a memorandum of appeal is rejected under this section the Court shall record or cause to be recorded the reasons for such rejection.

(3) Where a memorandum of appeal is amended under this section, the Judge, or such officer as he may appoint in this behalf, shall attest the amendment by his signature.

544. Where there are two or more plaintiffs or defendants in a suit, and the decree appealed from proceeds on any ground common to all the plaintiffs or to all the defendants, any one of the plaintiffs or of the defendants may appeal from the whole decree, and thereupon the Appellate Court may reverse or modify the decree in favour of all the plaintiffs or defendants, as the case may be.

For s. 542 see clause 341 (4).

*The Code of Civil Procedure, 1901.**(Part VI.—Of Appeals.—Chapter XLI.—Of Appeals from original Decrees.—Sections 545-550.)**Execution of decrees under appeal.*

545. (1) The execution of a decree shall not be stayed by reason only of an appeal having been preferred from the decree; but the Appellate Court may for sufficient cause order the execution to be stayed.

(2) Where an application is made for the stay of execution of an appealable decree before the expiry of the time allowed for appealing therefrom, the Court which passed the decree, may, on sufficient cause being shown by the applicant, order the execution to be stayed:

Provided that no order shall be made under this section unless the Court making it is satisfied—

- (a) that substantial loss may result to the party applying for the stay of execution if the order is not made;
- (b) that the application has been made without unreasonable delay; and
- (c) that security has been given by the applicant for the due performance of such decree or order as may ultimately be binding upon him:

Provided also that no final order for the stay of execution of a decree shall be made under this section without previous notice to the decree-holder.

546. (1) Where an order is made for the execution of a decree from which an appeal is pending, the Court which passed the decree shall, on sufficient cause being shown by the appellant, require security to be given for the restitution of any property which may be taken in execution of the decree, or for the payment of the value of such property, and for the due performance of the decree or order of the Appellate Court.

(2) The Appellate Court may, for like cause, direct the Court which passed the decree, to take such security.

(3) Where an order has been made for the sale of immoveable property in execution of a decree for the payment of money and an appeal is pending against such decree, the sale shall, subject to the conditions set forth in the first proviso to section 545, be stayed on the application of the judgment-debtor to the Court which passed the decree, until the appeal is disposed of, on such terms as to giving security or otherwise as such Court may think fit.

547. No such security as is mentioned in sections 545 and 546 shall be required from the Government or a public officer under section 545 or 546. Council, or, where the Government has undertaken the defence of the suit,

from any public officer sued in respect of an act alleged to have been done by him in his official capacity.

Procedure on admission of appeal.

548. Where a memorandum of appeal is admitted, the Appellate Court or the proper officer of that Court shall endorse thereon the date of its presentation and the name, description and place of residence of the person presenting it, and shall register the appeal in a book to be kept for the purpose and called the register of appeals.

549. (1) The Appellate Court may, in its discretion, either before the respondent is called upon to appear and answer or afterwards on the application of the respondent, demand from the appellant security for the costs of the appeal, or of the original suit, or of both:

Provided that the Court shall demand such security in all cases in which the appellant is residing out of British India and is not possessed of any sufficient immoveable property within British India independent of the property (if any) to which the appeal relates.

(2) Where such security is not furnished within such period as the Court may fix in this behalf, the Court shall reject the appeal.

(3) The mere fact that the appellant is necessitous or insolvent shall not be deemed to be a ground for demanding security under this section; but the appellant shall not be exempt from furnishing such security by reason only of his having instituted a suit or preferred an appeal as a pauper; and security shall ordinarily be demanded in accordance with sub-section (1) from a necessitous or insolvent appellant where it is shown to the satisfaction of the Court that he is acting in the interest of others well able to furnish security or that the merits of the case are plainly in favour of the respondent.

(4) Where a period has been fixed under this section for furnishing security, the Court may, from time to time, extend it even though the original period has expired.

550. (1) When the memorandum of appeal is registered, the Appellate Court shall send notice of the appeal to the Court from whose decree the appeal is preferred.

(2) Where the appeal is from a decree of a Court whose records are not deposited in the Appellate Court, the Court receiving such notice shall send, with all convenient speed, all material papers in the suit, or such papers as may be specially called for by the Appellate Court.

[Amended by VII of 1888, s. 4]

*The Code of Civil Procedure, 1901.**(Part VI.—Of Appeals.—Chapter XLI.—Of Appeals from original Decrees.—Sections 551-558.)*

(3) Either party may apply in writing to the Court from whose decree the appeal is preferred, specifying any of the papers in such Court of which he requires copies to be made; and copies of such papers shall be made at the expense of the applicant, and shall be deposited accordingly.

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VII of
38, s. 47
[551] 551. (1) The Appellate Court, if it thinks fit, may, after fixing a day for hearing the appellant or his pleader and hearing him accordingly if he appears on that day, dismiss the appeal without sending notice of the appeal to the Court from whose decree the appeal is preferred and without serving notice on the respondent or his pleader.

(2) Where on the day fixed under sub-section (1), or any subsequent day to which the hearing may be adjourned, the appellant does not attend in person or by his pleader, the appeal shall be dismissed for default.

(3) The dismissal of an appeal under this section shall be notified to the Court from whose decree the appeal is preferred.

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(2.) 552. (1) Unless the Appellate Court dismisses the appeal under section 551, it shall fix a day for hearing the appeal.

(2) Such day shall be fixed with reference to the current business of the Court, the place of residence of the respondent, and the time necessary for the service of the notice of appeal, so as to allow the respondent sufficient time to appear and answer the appeal on such day.

553. (1) Notice of the day fixed under section 552 shall be affixed in the publication and service of notice of day for hearing appeal. appellate court-house, and a like notice shall be sent by the Appellate Court to the Court from whose decree the appeal is preferred, and shall be served, with a copy of the memorandum of appeal, on the respondent or on his pleader or, if there are two or more respondents, on each of them or their respective pleaders, in the Appellate Court in the manner provided in Chapter VI for the service on a defendant of a summons to appear and answer; and all the provisions applicable to such summons, and to proceedings with reference to the service thereof, shall apply to the service of such notice.

(2) Instead of sending the notice to the Court from whose decree the appeal is preferred, the Appellate Court may itself cause the notice and copy of the memorandum to be served on the respondent or his pleader under the provisions referred to in sub-section (1).

[554] (3) The notice to the respondent shall declare that, if he does not appear in the Appellate Court on the day so fixed, the appeal will be heard *ex parte*.

Procedure on hearing of appeal.

555. (1) The appellant shall be heard in support of the appeal—
Hearing.

(a) on the day fixed under section 552; or

(b) on any subsequent day to which the hearing may be adjourned; or,

(c) where the Appellate Court has published a list of pending appeals, on any subsequent day on which the hearing may be reached.

(2) After hearing the appellant the Court shall, if it does not dismiss the appeal at once, hear the respondent against the appeal, and in such case the appellant shall be entitled to reply.

(3) Nothing contained in this section shall be deemed to give the right to begin to a respondent merely because he calls in question the right of the appellant to appeal.

556. (1) Where on any such day as is referred to in section 555, sub-section (1), the appellant does not attend in person or by pleader, the appeal shall be dismissed for default.

(2) Where the appellant attends in person or by pleader and the respondent does not so attend, the appeal shall be heard *ex parte*.

(3) Where on any such day as aforesaid it is found that the notice to the respondent has not been served in consequence of the failure of the appellant to deposit, within the period fixed by the Court, the sum required to defray the cost of issuing the notice, the Court may order that the appeal be dismissed: [557]

Provided that no such order shall be made, although the notice has not been served upon the respondent, if on any such day the respondent appears in person or by pleader or duly authorized agent.

558. Where an appeal is dismissed under section 551, sub-section (2), or section 556, the appellant may apply to the Court which made the order of dismissal for the re-admission of the appeal; and, where it is shown to the satisfaction of the Court that he was prevented by any sufficient cause from attending when the appeal was called on for hearing or from depositing the sum so required, the Court may re-admit the appeal on such terms as to costs or otherwise as it thinks fit. Amended by VII of 1888, s. 47 (3).

For s. 554 see clause 553 (3).
For s. 557 see clause 556 (3).

*The Code of Civil Procedure, 190 .***(Part VI.—Of Appeals.—Chapter XLI.—Of Appeals from original Decrees.—Sections 559-565.)**

559. Where it appears to the Court at the hearing that any person who was a party to the suit in the Court from whose decree the appeal is preferred, but who has not been made a party to the appeal, is interested in the result of the appeal, the Court may direct that such person be made a respondent and that such notice (if any) as it thinks necessary be given to him.

560. When an appeal is heard *ex parte* and judgment is delivered against the respondent, he may apply to the Appellate Court to re-hear the appeal; and, if he shows to the satisfaction of the Court that the notice was not duly served or that he was prevented by sufficient cause from attending when the appeal was called on for hearing, the Court may re-hear the appeal on such terms as to costs or otherwise as it thinks fit.

561. (1) Any respondent, though he may not have appealed from any part of the decree, may upon the hearing not only support the decree on any of the grounds decided against him in the Court below, but take any objection to the decree which he could have taken by way of appeal, provided he has filed the objection in the Appellate Court within one month from the date of the service on him or his pleader under section 553 of notice of the day fixed for hearing the appeal, or within such further time as the Appellate Court may think fit to allow.

(2) Such objection shall be in the form of a memorandum, and the provisions of section 541, so far as they relate to the form and contents of a memorandum of appeal, shall be deemed to apply thereto.

(3) Unless the respondent files with the objection a written acknowledgment from the appellant or his pleader of having received a copy thereof, the Appellate Court shall cause such a copy to be served, as soon as may be after the filing of the objection, on the appellant or his pleader, at the expense of the respondent.

(4) The provisions of Chapter XLIV shall, so far as they are applicable, be deemed to apply to an objection under this section.

(5) Where, in any case in which any respondent has under this section filed a notice of objection, the original appeal is stayed, or discontinued or dismissed, the objection so filed may nevertheless be proceeded with as though the memorandum of objection were a memorandum of appeal from the decree or any part thereof.

(6) The right of a respondent to take objections under this section shall ordinarily

be limited to matters in controversy as between him and the appellant; but, where such matters cannot be completely determined without opening up questions arising between the objector and any co-respondent or any party to the suit, not being a party to the appeal, the Court may, on such terms as to notice, costs or otherwise as it thinks fit, allow objections to be taken on such questions also, and, in such case, shall adjudicate thereon, and may, for this purpose, direct any such party to be made a respondent to the appeal.

562. (1) Where the Court from whose decree an appeal is preferred, [Amended by Act VII of 1888, s. 49 (1) and (2).]

Remand of case by Appellate Court.

(a) has disposed of the suit upon a ground other than the merits, and the decree upon such ground is reversed in appeal, or

(b) has committed any error, omission or irregularity by reason of which, in the opinion of the Appellate Court, there has been no hearing or adjudication of the suit as contemplated by law and the party complaining of such error, omission or irregularity has been materially prejudiced thereby,

the Appellate Court may, if it thinks fit, by order remand the case, together with a copy of the order in appeal, to the Court from whose decree the appeal is preferred, with directions to re-admit the suit under its original number in the register of civil suits and proceed to determine the suit on the merits.

(2) The Appellate Court may, if it thinks fit, direct what issue or issues shall be tried in any case so remanded.

564. The Appellate Court shall not remand a case for a second hearing or adjudication save as provided in section 562; and any remand ordered in contravention of this section, shall, if questioned in appeal under section 588, clause (28), be deemed to be void; but, where no such appeal has been preferred, such remand shall be deemed to be an irregularity only and shall not vitiate any proceedings taken thereon unless it has substantially affected the decision on the merits of the suit and the party complaining of the irregularity has been materially prejudiced thereby.

565. Where the evidence upon the record is sufficient to enable the Appellate Court to deliver judgment, the Appellate Court shall, after, if necessary, resettling the issues, finally determine the case, notwithstanding that the judgment of [Amended by Act VII of 1888, s. 51.]

Where evidence on record sufficient, Appellate Court may determine case finally.

S. 563 was repealed by Act VII of 1888, s. 50.

*The Code of Civil Procedure, 1901.**(Part VI.—Of Appeals.—Chapter XLI.—Of Appeals from original Decrees.—Sections 566-571.)*

the Court against whose decree the appeal is preferred has proceeded wholly upon some ground other than that on which the Appellate Court proceeds.

[Amended by VII of 1888, s. 52 (1) and (2).]

566. (1) Where the evidence upon the record is not sufficient to enable the Appellate Court to deliver judgment, but the Court from whose decree the appeal is preferred, has omitted to frame or try any issue, or to determine any question of fact, which appears to the Appellate Court essential to the right decision of the suit upon the merits, the Appellate Court may, if necessary, frame an issue or issues and refer the same for trial to the Court from whose decree the appeal is preferred, and in such case shall direct such Court to take the additional evidence required.

(2) Such Court shall proceed to try such issues, and shall return to the Appellate Court its finding thereon together with the evidence.

[567.]

(3) Such finding and evidence shall become part of the record of the suit; and either party may, within a time to be fixed by the Appellate Court, present a memorandum of objections to the finding.

(4) After the expiration of the period so fixed the Appellate Court shall proceed to determine the appeal.

[Amended by XII of 1891.]

568. (1) The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in the Appellate Court:

Provided that,—

(a) if the Court from whose decree the appeal is preferred, refuses to admit evidence which ought to have been admitted, or

(b) if the Appellate Court requires any document to be produced or any witness to be examined to enable it to deliver judgment, or

(c) for any other substantial cause, the Appellate Court may allow such evidence to be produced, or document to be received, or witness to be examined.

(2) Where additional evidence is admitted by an Appellate Court, the Court shall record or cause to be recorded the reason for such admission.

[569.]

(3) Where additional evidence is allowed to be received, the Appellate Court may either take such evidence, or direct the Court from

whose decree the appeal is preferred or any other subordinate Court, to take such evidence and to send it when taken to the Appellate Court.

(4) Where additional evidence is directed or allowed to be taken, the Appellate Court shall specify the points to which the evidence is to be confined, and record or cause to be recorded on its proceedings the points so specified.

Judgment in appeal.

571. (1) The Appellate Court, after hearing judgment in appeal the parties or their pleaders and referring, if necessary,

to any part of the proceedings, whether on appeal or in the Court which passed the decree appealed from, shall proceed to judgment.

(2) Save in so far as is otherwise provided by this Code or by any local or special law for the time being in force, the judgment of the Appellate Court shall be written or caused to be written by the Court in English or, if English is not the mother-tongue of the Judge and he is not able to write an intelligible judgment in English, in the language of the Court, and shall be delivered by the Judge—

(a) in open Court either immediately after the termination of the hearing or at some subsequent time of which notice has been given, orally or otherwise as the Court may direct, to the parties or their pleaders, and

(b) in the language of the Court or in English.

(3) The provisions of section 198, sub-section (3), and of sections 199 to 202 shall, so far as they are applicable, be deemed to apply to every such judgment.

(4) Every such judgment shall contain—

(a) a concise statement of the case;

(b) the points for determination;

(c) the decision thereon;

(d) the reasons for such decision; and,

(e) where the decree appealed from is reversed or varied, the relief to which the appellant is entitled:

Provided that where an appeal is dismissed under section 551, sub-section (1), it shall not be necessary to record a formal judgment:

Provided, also, that, where the Appellate Court concurs in the whole or in any part of the judgment of the lower Court, it shall be sufficient to record such concurrence.

*The Code of Civil Procedure, 1901.**(Part VI.—Of Appeals.—Chapter XLI.—Of Appeals from original Decrees.—Sections 575-579.)*

575. (1) Where an appeal is heard by a Bench of two or more Judges, the appeal shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges.

(2) Where there is no such majority concurring in a decision varying or reversing the decree appealed from, such decree shall be affirmed:

Provided that, if the Bench hearing the appeal is composed of two Judges belonging to a Court consisting of more than two Judges and the Judges composing the Bench differ in opinion on a point of law, the hearing of the appeal shall be adjourned without delivery of judgment, and the appeal shall be heard and decided by a Bench consisting of the said Judges and one or more of the other Judges of the same Court.

(3) Where there is no such majority concurring in a decision varying or reversing the decree appealed from, such decree shall be affirmed.

(4) The High Court may, from time to time, make rules consistent with this Code to regulate references made under this section.

576. (1) Where an appeal is heard by a Bench of two or more Judges, the Judges concurring in the decision may deliver and sign separate judgments, or any one of them may deliver the judgment of the Court which shall be signed by him and by the others concurring therein.

(2) Any Judge dissenting from the decision of the Court shall deliver and sign, in the manner hereinbefore prescribed for the delivery, contents and signature of an appellate judgment, a statement of the decision or order which in his opinion should be given or made on the appeal, together with his reasons for such opinion.

577. The Appellate Court may confirm, vary or reverse the decree from which the appeal is preferred, or, if the parties to the appeal agree as to the form which the decree in appeal shall take, or as to the order to be made in appeal, may pass a decree or make an order accordingly.

578. No decree shall be reversed or substantially varied, nor shall any case be remanded, in appeal, on account of any error, defect or irregularity (whether in the decision or in any order made in the suit, or otherwise) not affecting the merits of the case or the jurisdiction of the Court.

578A. (1) Notwithstanding anything in section 578, an objection that, by reason of the over-valuation or under-valuation of a suit or appeal, a Court of first instance or lower Appellate Court which had not jurisdiction with respect to the suit or appeal, exercised jurisdiction with respect thereto, shall not be entertained by an Appellate Court unless—

- (a) the objection was taken in the Court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower Appellate Court in the memorandum of appeal to that Court, or
- (b) the Appellate Court is satisfied, for reasons to be recorded, that the suit or appeal was over-valued or under-valued, and that the over-valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on the merits.

(2) Where the objection was taken in the manner referred to in sub-section (1), clause (a), but the Appellate Court is not satisfied as to both the matters mentioned in clause (b) of that sub-section and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the Court of first instance or lower Appellate Court.

(3) Where the objection was taken in the manner referred to in sub-section (1), clause (a), and the Appellate Court is satisfied as to both the matters mentioned in clause (b) of that sub-section but has not before it the materials necessary for the determination of the other grounds of appeal to itself, it shall proceed to deal with the appeal under the provisions applicable to the Court with respect to the hearing of appeals: but, where it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a Court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an Appellate Court shall, so far as they are applicable, be deemed to apply to a Court exercising revisional jurisdiction under section 622 or under any other enactment for the time being in force.

579. (1) The decree of the Appellate Court shall be drawn up, dated and signed as nearly as may be in the manner prescribed by sections 205 and 205 for draw-

*The Code of Civil Procedure, 1901.**(Part VI.—Of Appeals.—Chapter XLI.—Of Appeals from original Decrees.—Sections 579A-583.)*

ing up, dating and signing decrees in suits:

Provided that, where an appeal has been heard by two or more Judges, any Judge dissenting from the decision of the Court shall not be required to sign the decree.

(2) The decree of the Appellate Court shall contain—

- (a) the number of the appeal;
- (b) the names and descriptions of the parties;
- (c) a clear specification of the relief granted or other adjudication made; and
- (d) the amount of the costs incurred in the appeal and the parties by whom, and the proportions in which, they are to be borne.

[New.] 579A. (1) The decree of the Appellate Court shall, in every case, be deemed to supersede the decree appealed from and to be the sole decree capable of execution; and the provisions of sections 207 to 216 with regard to the form of particular decrees shall, so far as they are applicable, be deemed to apply thereto.

(2) Notwithstanding anything in sub-section (1), where the decree of the Appellate Court merely affirms and by reference incorporates the decree appealed from, and the decree appealed from complies with the provisions of this Code in regard to the form and contents of decrees, it shall be sufficient if the decree of the Appellate Court contains a clear specification of such affirmation and incorporation.

(3) Where and in so far as the decree of the Appellate Court purports to affirm and to incorporate the decree appealed from, the decree appealed from may be referred to for the purpose of ascertaining the precise adjudication expressed in the decree of the Appellate Court.

[New.] 579B. The decree of the Appellate Court may be amended in the manner and to the extent prescribed by section

206A:

Provided that, subject to all other provisions, of sub-sections (1) and (2) of the said section, such a decree may be amended by the Court of first instance or by any Court of intermediate appeal where and in so far as it affirms and incorporates, without modifying, a decree passed by such Court of first instance or of intermediate appeal.

580. Certified copies of the judgment and decree in appeal shall be furnished to the parties on application to the Appellate Court and at their expense.

581. A copy of the judgment and of the decree, certified by the Appellate Court or by such officer as it may appoint in this behalf, shall be sent to the Court which passed the decree appealed from, and shall form part of the record of the suit, and an entry of the judgment of the Appellate Court shall be made in the register of civil suits.

582. (1) The Appellate Court shall have, in appeals under this Chapter, the same powers, and shall perform as nearly as may be the same duties, as are conferred and imposed by this Code on Courts of original jurisdiction in respect of suits instituted under Chapter V; and, in Chapter XXI, so far as may be, the word "plaintiff" shall be held to include a plaintiff-appellant or defendant-appellant, the word "defendant" a plaintiff-respondent or defendant-respondent, and the word "suit" an appeal, in proceedings arising out of the death, marriage or insolvency of parties to an appeal.

(2) The provisions hereinbefore contained, including those of section 372A, shall, so far as they are applicable, be deemed to apply to appeals under this Chapter.

582A. Where a memorandum of appeal or an application for a review of judgment has been presented within the time allowed by the law of limitation for the time being in force, but is written upon paper insufficiently stamped, and the insufficiency of the stamp was caused by a mistake on the part of the appellant or applicant as to the amount of the requisite stamp, the memorandum of appeal or the application shall have the same effect and be as valid as if it had been properly stamped:

Provided that such appeal or application shall be rejected unless the appellant or applicant supplies the requisite stamp within a reasonable period after the discovery of the mistake, to be fixed by the Court, or within such further period as may from time to time be allowed by the Court.

583. (1) No suit other than a suit contemplated by Chapter XIX, shall be maintained for the recovery of any benefit, by way of restitution or otherwise, to which any party may be entitled under a decree passed in an appeal under this Chapter.

(2) When any party so entitled desires to obtain execution of such a decree, he shall apply to the Court which passed the decree appealed from or, if such Court has ceased to

The Code of Civil Procedure, 190 .

(Part VI.—Of Appeals.—Chapter XLII.—Of Appeals from Appellate Decrees.—Sections 584-587.)—Chapter XLIII.—Of Appeals from Orders.—Section 588.

exist, to the Court to which that class of business to which the decree belongs has been transferred.

(3) On receiving an application of the nature referred to in sub-section (2), such Court shall proceed to execute the decree passed in appeal according to the provisions relating to the execution of decrees in suits.

(4) Where and in so far as the decree of the Appellate Court sets aside the decree appealed from, the Court executing the decree of the Appellate Court shall, whether restitution has or has not been directed in such decree, cause such restitution to be made as will, so far as may be, place the parties in the position which they would have occupied but for the decree appealed from or such part thereof as has been set aside; and, for this purpose, the Court may make any orders, including orders for the refund of costs and for the payment of interest, damages, compensation and mesne profits, which are properly consequential to the adjudication expressed in the appellate decree.

(5) In exercising any of its powers under sub-section (4), the Court shall not be bound by the pecuniary limits of its jurisdiction over suits.

CHAPTER XLII.

OF APPEALS FROM APPELLATE DECREES.

584. (1) Save where otherwise provided by this Code or by any other law or enactment for the time being in force, from every decree passed in appeal by any Court subordinate to a High Court an appeal shall lie to the High Court on any of the following grounds, namely:—

- (a) the decision being contrary to some specified law or usage having the force of law;
- (b) the decision having failed to determine some material issue of law or usage having the force of law;
- (c) a substantial error or defect in the procedure as prescribed by this Code or by any other law or enactment for the time being in force, which may possibly have produced error or defect in the decision of the case upon the merits.

[586.] (2) No such second appeal shall lie in any suit of the nature cognizable by a Court of Small Causes, unless the amount or value of the subject-matter exceeds one thousand rupees or the decree involves directly some claim to, or question respecting, property exceeding such value, or in any other suit

unless the amount or value of the subject-matter exceeds one hundred rupees.

(3) No such second appeal shall be admitted in any suit in which the decree of the Appellate Court does not vary or reverse, otherwise than as to costs, the decree of the lower Court, unless the appellant furnishes security for any costs directed by the decree appealed from to be borne by him and for the costs of the second appeal, and also, where and in so far as the decree appealed from, not being a decree for the enforcement of a mortgage, is a decree against the appellant for the payment of money, for the decretal amount, exclusive of costs.

(4) An appeal may lie under this section from an appellate decree passed *ex parte*.

585. No second appeal shall lie save as No other second provided by section 584: appeal.

Provided that the High Court may, where the evidence on the record is sufficient to enable it to deliver judgment, determine any issue of fact necessary for the proper adjudication on any of the grounds specified in the said section but omitted to be determined by the lower Court either of first instance or of appeal.

587. The provisions of Chapter XLI shall, Provisions as to so far as they are applicable, be deemed to apply to appeals under this Chapter and to the execution of decrees passed in such appeals:

Provided that the High Court shall, in the case of all such appeals, follow the procedure prescribed by section 551.

CHAPTER XLIII.

OF APPEALS FROM ORDERS.

588. (1) An appeal shall lie from each of the [Amended] following orders under this VII of Orders appealable. Code, and, save as otherwise expressly provided by this Code, from no other such order, namely:—

- (1) an order under section 20, sub-sections (1) to (3), staying proceedings in a suit;
- (2) an order under section 32, sub-sections (1) to (5) striking out or adding the name of any person as plaintiff or defendant;
- (3) an order under section 36 or section 66, sub-sections (1) and (2), directing a party to appear in person;
- (4) an order under section 44, adding a cause of action;
- (5) an order under section 46, sub-section (2), excluding a cause of action;

For s. 586, see clause 584 (2), *anti*.

*The Code of Civil Procedure, 190 .***(Part VI.—Of Appeals.—Chapter XLIII.—Of Appeals from Orders.—Sections 589-590.)**

- (6) an order returning a plaint for amendment or to be presented to the proper Court ;
- (7) an order rejecting an application under section 103 (in a case open to appeal) for an order to set aside the dismissal of a suit ;
- (8) an order rejecting an application under section 108, sub-section (1) or sub-section (2), for an order to set aside a decree passed *ex parte* ;
- (9) an order under section 111, setting-off, or refusing to set-off, one debt against another ;
- (10) an order under section 113, section 120 or section 177 ;
- (11) an order under section 116 or section 245, rejecting, or returning for amendment, a written statement or an application for the execution of a decree ;
- (12) an order under section 136, dismissing a suit for failure to comply with an order under Chapter X ;
- (13) an order under section 143 or section 145, directing anything to be impounded ;
- (14) an order under section 162, for the attachment and sale of moveable property ;
- (15) an order under section 168, for the attachment of property, or under section 169, sub-section (2), for the sale of attached property ;
- (16) an order under section 261, sub-sections (1) to (5), as to an objection to a draft-conveyance or draft-endorsement ;
- (17) an order under section 293 ;
- (18) an order under section 294, section 312 or section 313, for confirming, setting aside, or refusing to set aside, a sale of immoveable property ;
- (19) an order under section 305 ;
- (20) an order under section 310A ;
- (21) an order under section 366, sub-section (2), section 367 or section 368 ;
- (22) an order rejecting an application under section 370 for the dismissal of a suit
- (23) an order under section 371, refusing to set aside the abatement or dismissal of a suit ;
- (24) an order disallowing an objection under section 372 ;
- (5) an order under section 381, dismissing suit for the failure of the plaintiff to furnish security ;
- (26) an order under section 407, clause (b), sub-clause (iii), or section 409, rejecting or refusing an application for permission to institute, continue or defend a suit as a pauper on the ground that the applicant's allegations do not show a right to institute, continue or defend a suit in the Court ;
- (27) an order under section 454, section 455 or section 458, directing a next friend or guardian for the suit to pay costs ;
- (28) an order in an interpleader-suit under section 473, clause (a), clause (b) or clause (d), section 475 or section 476 ;
- (29) an order under section 479, sub-section (3) or sub-section (4), section 480, section 483, sub-section (5) or sub-section (6), section 492, section 493, section 496, section 497, section 502 or section 503 ;
- (30) an order under section 514, superseding an arbitration ;
- (31) an order under section 518, modifying an award ;
- (32) an order of refusal under section 558 to re-admit, or under section 560 to rehear, an appeal ;
- (33) an order under section 562, remanding a case ; and
- (34) an order under any of the provisions of this Code, imposing a fine, or directing the arrest or detention in prison of any person, except where such detention is in execution of a decree.
- (2) Every order passed in appeal under this section shall be final.
589. Where an appeal from an order lies under this Chapter it shall lie to the Court to which an appeal would lie from the decree in the suit in relation to which such order was made, or, where such order is passed by a Court (not being a High Court) in the exercise of appellate jurisdiction, then to the High Court :
[Amended: VII of 1888, s. 56 and of 1889, s. 3]
- Provided that an appeal from an order specified in section 588, clause (21), shall, irrespective of any pecuniary or other limit determining the jurisdiction of the Court authorized to hear an appeal from a decree in the suit, lie—
- (a) to the District Court, where the order was passed by a Court subordinate to that Court, and
- (b) to the High Court in any other case.
590. The procedure prescribed by Chapter XLI shall, so far as it is applicable, be deemed to apply to appeals from
- Procedure in appeals from orders.

The Code of Civil Procedure, 1901.

(Part VI.—Of Appeals.—Chapter XLIII.—Of Appeals from Orders.—Section 591. Chapter XLIV.—Of Pauper Appeals.—Section 592. Chapter XLV.—Of Appeals to the King in Council.—Sections 594-597.)

orders under this Code or under any special or local law for the time being in force in which a different procedure is not prescribed.

591. Save as provided by this Chapter and by sections 598, subsection (4), and 629, no appeal shall lie from any order passed by a Court in the exercise of its original or appellate jurisdiction; but, where a decree is appealed from, any error, defect or irregularity in any such order, which has affected the decision of the case and from which no separate appeal lies under this Code, may be set forth as a ground of objection in the memorandum of appeal.

CHAPTER XLIV.

OF PAUPER APPEALS.

592. (1) Any person entitled, under this Code or under any other enactment or rule of law for the time being in force, to prefer an appeal from or objection to a decree, who is unable to pay the fee required for the petition of appeal or objection, may, on presenting an application accompanied by a memorandum of appeal or objection, be allowed to appeal or object as a pauper, subject to the provisions of Chapters XXVI, XLI, XLII and XLIII, in so far as they are applicable:

Provided that the Court shall reject the application, unless, upon a perusal thereof and of the judgment and the decree appealed from or objected to, and, if the Court, in its discretion, thinks it necessary to send for the record, upon reference to such record or any part thereof, it sees cause to think that the decree appealed from or objected to is contrary to law or to some usage having the force of law, or is otherwise erroneous or unjust.

[593.] **(2)** The inquiry as to the inability of the applicant to pay such fee as aforesaid may be made either by the Appellate Court or, under the orders of the Appellate Court, by the Court which passed the decree appealed from:

Provided that, if the applicant was permitted to institute, continue or defend as a pauper the suit in the Court which passed the decree appealed from or objected to, no further inquiry in respect of his inability to pay such fee as aforesaid shall be necessary, unless the Appellate Courts see cause to direct such inquiry.

CHAPTER XLV.

OF APPEALS TO THE KING IN COUNCIL.

594. In this Chapter, unless there is any "Decree" defined for thing repugnant in the purposes of Chapter. subject or context, the expression "decree" includes also a judgment and an order.

595. Subject to such rules as may, from time to time, be made by His Majesty in Council regarding appeals from the Courts of British India, and to the provisions hereinafter contained, an appeal shall lie to His Majesty in Council—

- (a) from every final decree passed on appeal by a High Court or by any other Court of final appellate jurisdiction;
- (b) from every final decree passed by a High Court in the exercise of original civil jurisdiction; and
- (c) from every decree, where the case is, as hereinafter provided, certified to be a fit one for appeal to His Majesty in Council.

596. (1) Notwithstanding anything in section 595, no appeal shall lie to His Majesty in Council from any such decree as is referred to in clause (a) or clause (b) of that section, unless—

- (a) the amount or value of the subject-matter of the suit in the Court of first instance is ten thousand rupees or upwards, and the amount or value of the subject-matter in dispute on appeal to His Majesty in Council is the same sum or upwards; or
- (b) the decree involves, directly or indirectly, some claim to, or question respecting, property of the like amount or value; and,
- (c) where the decree appealed from affirms the decision of the Court immediately below the Court passing such decree, the appeal involves some substantial question of law.

(2) For the purposes of the pecuniary valuation referred to in this section, suits involving substantially the same questions for determination and decided by the same judgment may be consolidated; but suits decided by separate judgments, each final and conclusive, shall not be consolidated, notwithstanding that they involve substantially the same questions for determination.

597. Notwithstanding anything in section 595, no appeal shall lie to His Majesty in Council—

- (a) from the judgment of one Judge of a High

For s. 593 see clause 592 (2).

*The Code of Civil Procedure, 190 .**(Part VI.—Of Appeals.—Chapter XLV.—Of Appeals to the King in Council.—Sections 598, 603-605.)*

5 Vict.

Court established under the Indian High Courts Act, 1861, or of one Judge of a Division Court, or of two or more Judges of such High Court, or of a Division Court constituted by two or more Judges of such High Court, where such Judges are equally divided in opinion and do not amount in number to a majority of the whole of the Judges of the High Court at the time being; or

(b) from any decree which, under section 584, sub-section (2), is final.

598. (1) Whoever desires to appeal under this Chapter to His Majesty in Council, shall apply by petition to the Court whose decree is complained of.

600.] (2) Every such petition shall state the grounds of appeal, and pray for a certificate, either that, as regards amount or value and nature, the case fulfils the requirements of section 596, or that it is otherwise a fit one for appeal to His Majesty in Council.

(3) Upon receipt of such petition, the Court may direct notice to be served on the opposite party to show cause why the said certificate should not be granted.

as amended by Act of 1888. (4) Where such certificate is refused, the petition shall be dismissed:

Provided that, if the decree complained of is a final decree passed by a Court other than a High Court, an appeal shall lie from the order refusing the certificate, to the High Court to which the former Court is subordinate.

600.] (5) Where such certificate is granted, the applicant shall, within six months from the date of the decree complained of, or within six weeks from the date of the grant of the certificate, whichever is the later date,—

(a) furnish security for the costs of the respondent, and

(b) deposit the amount required to defray the expense of translating, transcribing, indexing and transmitting to His Majesty in Council a correct copy of the whole record of the suit, except—

(i) formal documents directed to be excluded by any order of His Majesty in Council in force for the time being;

(ii) papers which the parties agree to exclude;

(iii) accounts, or portions of accounts which the officer empowered by the

Court for that purpose considers unnecessary, and which the parties have not specifically asked to be included; and

(iv) such other documents as the High Court may direct to be excluded:

(6) Where the applicant prefers to print in India the copy of so much of the record as is required by sub-section (5), he shall also, within the time mentioned in the said sub-section, deposit the amount required to defray the expense of printing such copy.

(7) The period fixed by sub-section (5) for compliance with the requirements therein referred to may, from time to time, be extended by the Court, even though the original period has expired; but, if such requirements are not complied with within the period so fixed or extended, the appeal shall be removed from the list of pending cases.

603. Where the security and deposit required by section 598, sub-sections (5) and (6), have been furnished and made to the satisfaction of the Court, the Court may—

(a) declare the appeal admitted, and

(b) give notice thereof to the respondent, and shall then—

(c) transmit to His Majesty in Council, under the seal of the Court, a correct copy of so much of the said record as is required by section 598, sub-section (5), and

(d) give to either party one or more authenticated copies of any of the papers in the suit on his applying therefor and paying the reasonable expenses incurred in preparing them.

604. At any time before the admission of an appeal to His Majesty in Council, the Court may, upon cause shown, revoke the acceptance of any security furnished under section 598, sub-section (5), and make further directions thereon.

605. (1) Where at any time after the admission of an appeal to His Majesty in Council, but before the transmission of the copy of so much of the record as is required by section 598, sub-section (5),—

(a) such security appears inadequate,

(b) further payment is required for the purpose of translating, transcribing, printing, indexing or transmitting the copy of so much of the record as is so required,

the Court may order the appellant to furnish, within a time to be fixed by the Court, other and

S. 599 was repealed by Act VII of 1888, s. 57.
For ss. 600, 601 and 602 see clause 598 (2), (3), (4), (5), (6), (7).

*The Code of Civil Procedure, 190 .***Part VI.—Of Appeals.—Chapter XLV.—Of Appeals to th King in Council.—
Sections 607-612.)**

sufficient security; or to make, within time, the required payment.

(2) Where the appellant fails to comply with such order, the proceedings shall be stayed, and the appeal shall not proceed without an order in this behalf of His Majesty in Council, and in the meantime the execution of the decree appealed from shall not be stayed.

607. When the copy of so much of the record as is required by section 508, sub-section (5), has been transmitted to His Majesty in Council, the appellant may obtain a refund of the balance (if any) of the amount which he has deposited under sub-sections (5) and (6) of the said section.

608. (1) Notwithstanding the admission of an appeal to His Majesty in Council, the decree appealed from shall, unless the Court admitting the appeal otherwise directs, be unconditionally executed.

(2) The Court may, if it thinks fit, on special cause shown by any party interested in the suit or otherwise appearing to the Court,—

- (a) impound any moveable property in dispute or any part thereof; or
- (b) allow the decree appealed from to be executed, taking such security from the respondent as it thinks fit for the due performance of any order which His Majesty in Council may make on the appeal; or
- (c) stay the execution of the decree appealed from, taking such security from the appellant as it thinks fit for the due performance of the decree appealed from, or of any order which His Majesty in Council may make on the appeal; or
- (d) place any party seeking the assistance of the Court under such conditions, or give such other direction respecting the subject-matter of the appeal, as it thinks fit.

609. (1) Where at any time during the pendency of an appeal to His Majesty in Council the security furnished by either party appears inadequate, the Court may, on the application of the other party, require further security.

(2) In default of such further security being furnished as required by the Court,—

- (a) if the original security was furnished by the appellant, the Court may, on the application of the respondent, issue execution of the decree appealed from as if the appellant had furnished no such security; and,

- (b) if the original security was furnished by the respondent, the Court shall, so far as may be practicable, stay the further execution of the decree and restore the parties to the position in which they respectively were when the security which appears inadequate was furnished, or give such direction respecting the subject-matter of the appeal as it thinks fit.

610. (1) Whoever desires to obtain the execution of any order of His Majesty in Council, shall apply by petition, accompanied by a certified copy of the decree or order passed or made in appeal and sought to be executed, to the Court from which the appeal to His Majesty in Council was preferred.

(2) Such Court shall transmit the order of His Majesty in Council to the Court which passed the first decree appealed from, or to such other Court as His Majesty in Council by such order may direct, and shall, upon the application of either party, give such directions as may be required for the execution of the same; and the Court to which the said order is so transmitted, shall execute it accordingly in the manner and according to the provisions relating to the execution of its original decrees.

(3) In so far as such order awards costs to the respondent, it may be executed against a surety, to the extent to which he has rendered himself liable, in the same manner as it may be executed against the appellant:

Provided that such notice in writing as the Court in each case thinks sufficient has been given to the surety.

(4) When any moneys expressed to be payable in British currency are payable in India under such order, the amount so payable shall be estimated according to the rate of exchange for the time being fixed, at the date of the making of the order, by the Secretary of State for India in Council, with the concurrence of the Treasury, for the adjustment of financial transactions between the Imperial and the Indian Governments.

611. An appeal shall lie from every order made by the Court which executes an order of His Majesty in Council, relating to such execution, in the same manner and subject to the same provisions as in the case of an order of such Court relating to the execution of its own decrees.

612. (1) The High Court may, from time to time, make rules to regulate—

- (a) the service of notices under section 598, sub-section (2);

The Code of Civil Procedure, 190 .

(Part VI.—Of Appeals.—Chapter XLV.—Of Appeals to the King in Council.—Sections 615-616. Part VII.—Chapter XLVI.—Of References to the High Court.—Sections 617-621.)

- (b) the grant or refusal of certificates, under section 598, sub-sections (4) and (5), by Courts of final appellate jurisdiction subordinate to the High Court;
- (c) the amount and nature of the security required under section 598, sub-section (5), section 605 and section 609;
- (d) the testing of such security;
- (e) the estimate of the cost of transcribing the record;
- (f) the preparation, examination and certifying of such transcript;
- (g) the revision and authentication of translations;
- (h) the preparation of indices to transcripts of records, and of lists of the papers not included therein; and
- (i) the recovery of costs incurred in British India in connection with appeals to His Majesty in Council;
- (j) all other matters connected with the enforcement of this Chapter.

(2) All such rules shall be published in the local official Gazette, and shall thereupon have effect as if enacted in this Code.

615. The rules and restrictions referred to in Regulation III of 1828 of the Bengal Code (a Regulation for the appointment of special Commissioners for the more speedy hearing and determination of appeals from the decisions of the Revenue authorities), section 4, sub-section (5), shall be deemed to be the rules and restrictions applicable to appeals under this Code from the decisions of the High Court of Judicature at Fort William in Bengal.

616. (1) Nothing herein contained shall be deemed—
Saving of His Majesty's pleasure, and of rules for conduct of business before Judicial Committee.

- (a) to bar the full and unqualified exercise of His Majesty's pleasure in receiving or rejecting appeals to His Majesty in Council, or otherwise howsoever, or
- (b) to interfere with any rules made by the Judicial Committee of the Privy Council, and for the time being in force, for the presentation of appeals to His Majesty in Council or their conduct before the said Judicial Committee.

(2) Nothing in this Chapter shall be deemed to apply to any matter of criminal or admiralty or vice-admiralty jurisdiction, or to appeals from the orders and decrees of Prize Courts.

S. 613 saved existing rules and is omitted as being unnecessary.

S. 614 was repealed by Act VI of 1900, s. 48.

PART VII.

CHAPTER XLVI.

F. REFERENCES TO THE HIGH COURT.

617. Where before or on the hearing of a suit or an appeal in which the decree is final, or where in the execution of any such decree, any question of law or usage having the force of law, or the construction of a document which construction may affect the merits, arises on which the Court trying the suit or appeal, or executing the decree, entertains reasonable doubt, the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer such statement with its own opinion on the point for the decision of the High Court.

618. The Court making a reference under section 617 may either state the proceedings or proceedings in the case notwithstanding such reference, and may pass a decree or make an order contingent upon the opinion of the High Court on the point referred to:

Provided that no execution shall be issued of property sold or person detained in prison in any case in which such a reference is made until the receipt of a copy of the judgment of the High Court upon the reference.

619. The High Court shall hear the parties to the case in which a reference is made under section 617, in person or by their respective pleaders and shall decide the point so referred, and shall transmit a copy of its judgment, under the signature of the Registrar, to the Court by which the reference was made; and such Court shall, on the receipt thereof, proceed to dispose of the case in conformity with the decision of the High Court.

620. The costs (if any) consequent on a reference for the opinion of the High Court made under section 617 shall be cost in the case.

621. Where a reference is made to the High Court under section 617 the High Court may return the case for amendment and may alter, cancel or set aside any decree or order which the Court making the reference has passed or made in the case out of which the reference arose, and make such order as it thinks fit.

The Code of Civil Procedure, 190 .

(Part VII.—Chapter XLVI-A.—Of Revision by the High Court.—Sections 622-622A.
Part VIII.—Chapter XLVII.—Of Review.—Sections 623-624.)

CHAPTER XLVI-A.

OF REVISION BY THE HIGH COURT.

622. (1) The High Court may call for the record of any suit or other proceeding which has been decided by any Court subordinate to such High Court and in which no appeal lies thereto.

(2) If the Court by which the suit or other proceeding was decided, appears—

- (a) to have exercised a jurisdiction which, by reason of the territorial or pecuniary limits of the jurisdiction of such Court or by reason of the subject-matter of such suit or other proceeding, was not vested in it by law, or
- (b) to have failed to exercise a jurisdiction so vested, or
- (c) to have acted, in the exercise of its jurisdiction, but in contravention of some express provision of law materially affecting the decision on the merits and to have produced a serious miscarriage of justice,

the High Court may make such order as, in its opinion, should have been made by the Court which decided the suit or other proceeding.

622A. The High Court may order by whom the costs (if any) of any proceeding under section 622 shall be borne; and such costs shall be recoverable as though the order were a decree for the payment of money.

PART VIII.

CHAPTER XLVII.

OF REVIEW.

623. (1) Subject to the same limitations as are hereinbefore imposed by section 540A with regard to the right to appeal from the decrees, or from any part of the decrees, of the Courts exercising original jurisdiction, any person who considers himself aggrieved—

- (a) by a decree or order from which an appeal lies under this Code, but from which no appeal has been preferred,
- (b) by a decree or order from which no appeal lies under this Code, or

(c) by a judgment on a reference from a Court of Small Causes,

and who,—

- (i) from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree or order was passed or made, or
- (ii) on account of some mistake or error apparent on the face of the record, or
- (iii) for any other sufficient reason,

desires to obtain a review of the decree passed, order made or judgment delivered against him, may apply for review to the Court which passed the decree, made the order or delivered the judgment, or to the Court (if any) to which that class of business to which the decree, order or judgment belongs, has been transferred.

(2) A party who is not appealing from a decree, may apply for a review of judgment notwithstanding the pendency of an appeal by some other party, except where the ground of such appeal is common to the applicant and the appellant, or where, being a respondent, he is entitled to present to the Appellate Court the case on which he applies for the review.

624. (1) An application for the review of a decree, order or judgment—
To whom application for review may be made—

- (a) of the High Court, or
- (b) of any other Court on the ground of—

- (i) the discovery of such new and important matter or evidence as is referred to in section 623, or
- (ii) of some clerical error apparent on the face of the decree,

may be made to the Court which passed the decree, made the order or delivered the judgment, or to the Court (if any) to which that class of business to which the decree, order or judgment belongs, has been transferred; but it need not be made to the Judge who delivered the judgment sought to be reviewed.

(2) An application for the review of a decree, order or judgment of a Court, other than a High Court, on the ground of—

- (i) some mistake or error apparent on the face of the record, other than a clerical error apparent on the face of the decree, or
- (ii) any other sufficient reason,

shall be made to the Judge who delivered the judgment.

The Code of Civil Procedure, 190 .

(Part VIII.—Chapter XLVII.—Of Review.—Sections 625-630. Part IX.—Chapter XLVIII.—Special Rules relating to Chartered High Courts.—Sections 631-633.)

625. The provisions of this Code as to the form of preferring appeals shall, so far as they are applicable, be deemed to apply to applications for review.

Form of applications for review.

[Amended by VII of 1883, s. 59.]

626. (1) Where it appears to the Court that there is not sufficient ground for a review, it shall reject the application.

Rejection and grant of application.

(2) Where the Court is of opinion that an application for review should be granted, it shall grant the same, and the Judge shall record or cause to be recorded his reasons for such opinion:

Provided, first, that no such application shall be granted without previous notice to the opposite party, to enable him to appear and be heard in support of the decree, order or judgment a review of which is applied for;

Provided, secondly, that no such application shall be granted on the ground of discovery of new matter or evidence which the applicant alleges was not within his knowledge, or could not be adduced by him, when the decree, order or judgment was passed, made or delivered, without strict proof of such allegation; and

Provided, thirdly, that an application of the kind referred to in section 624, sub-section (2), to the Judge who delivered the judgment, may, if that Judge has ordered notice to issue under the first proviso to this sub-section, be disposed of by his successor.

[626.]

(3) Where an application for review is heard by more than one Judge and the Court is equally divided, the application shall be rejected; and, where there is a majority, the decision shall be according to the opinion of the majority.

627. Where the Judge or Judges, or any one of the Judges, who passed the decree or made the order or delivered the judgment, a review of which is applied for, continues or continue attached to the Court at the time when the application for review is presented, and is not or are not precluded by absence or other cause, for a period of six months next after the application, from considering the decree, order or judgment to which the application refers, such Judge or Judges or any of them shall hear the application, and no other Judge or Judges of the Court shall hear the same.

Hearing of review in Court consisting of two or more Judges.

629. (1) An order of the Court for rejecting an application for review shall be final; but, where such an application is admitted, the admission may be objected to on the ground that it was—

Order of rejection final, subject to objections to admission of application for review.

(a) in contravention of the provisions of section 624,

(b) in contravention of the provisions of section 626, sub-section (1) or sub-section (2), or

(c) after the expiration of the time allowed by the law of limitation for the time being in force and without sufficient cause.

(2) Such objection may be made at once by an appeal from the order granting the application, or may be taken in any appeal from the final decree or order made in the suit.

(3) Where an application for review has been rejected in consequence of the failure of the applicant to appear, he may apply for an order to have the application restored to the list of pending cases, and, where it is shown to the satisfaction of the Court that he was prevented by any sufficient cause from appearing when such application was called on for hearing, the Court may order it to be so restored upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for hearing the same.

(4) No order shall be made under this section unless the applicant has served the opposite party with notice in writing of the latter application.

(5) No application to review an order passed on review or on an application for a review shall be entertained.

630. When an application for review is admitted, a note thereof shall be made in the register of civil suits or register of appeals, as the case may be, and the Court may at once re-hear the case or make such order in regard to the re-hearing as it thinks fit.

Registry of application granted, and order for re-hearing.

PART IX.

CHAPTER XLVIII.

SPECIAL RULES RELATING TO CHARTERED HIGH COURTS.

631. This Chapter shall apply only to High Courts which are or may hereafter be established under the Indian High Courts Act, 1861.

Chapter to apply only to Chartered High Courts.

24 & Vict., c

632. Save as provided by this Chapter and by section 652, the provisions of this Code shall be deemed to apply to such High Courts.

Application of Code to Chartered High Courts.

[Amended by XI of 1895, s.

633. Every such High Court shall take evidence, deliver and record judgments and record decrees and orders, in such manner as it may, by rule, from time to time direct.

Chartered High Court to take evidence and record judgments, decrees and orders according to its own rules.

The Code of Civil Procedure, 190 .

(Part IX.—Chapter XLVIII.—Special Rules relating to Chartered High Courts.—Sections 634-639. Part X.—Chapter XLIX.—Miscellaneous.—Sections 640-641.)

634. Where such a High Court considers it necessary that a decree passed in the exercise of its ordinary original civil jurisdiction should be executed before the amount of the costs incurred in the suit can be ascertained by taxation, it may order—

- (a) that the decree shall be executed forthwith, except as to so much thereof as relates to the costs; and
- (b) that the decree, as to so much thereof as relates to the costs, may be executed as soon as the amount of the costs is ascertained by taxation.

635. Nothing in this Code shall be deemed—

Saving of powers of Chartered High Courts in respect of addressing the Court and the admission of pleaders.

- (a) to authorize any person on behalf of another to address such a High Court in the exercise of its ordinary original civil jurisdiction, or to examine witnesses, except, where such High Court has, in the exercise of the power conferred by its Charter, authorized him so to do, or

- (b) to interfere with the power of such a High Court to make rules concerning advocates, vakils and attorneys.

636.* Notices to produce documents, summonses to witnesses, and other judicial processes, issued in the exercise of the ordinary or extraordinary original civil jurisdiction of such a High Court, and of its matrimonial, testamentary and intestate jurisdictions, except summonses to defendants issued under section 64, writs of execution and notices under section 553, may be served by the attorneys in the suits, or by persons employed by them, or by such other persons as such High Court may, by rule or order, from time to time direct.

Who may serve process of High Court.

Non-judicial and quasi-judicial acts capable of being done by Registrar of Chartered High Court. by a Commissioner appointed to examine and adjust accounts under section 394, may be done by the Registrar of such a High Court or by such other officer of the Court as the Court may direct.

637. (1) Any non-judicial or quasi-judicial act which this Code requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394, may be done by the Registrar of such a High Court or by such other officer of the Court as the Court may direct.

(2) Such a High Court may, by rule, from time to time declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

* See, too, s. 92A, ante.

638. (1) The following provisions of this Code shall not be deemed to apply to such a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction, namely:—

Provisions of Code not applicable to Chartered High Courts in original civil jurisdiction. sections 16, 17, 19, 54, clauses (a) and (b), 57, 119, 160, 182 to 185, 187, 189, 191, 192 (so far as relates to the manner of taking evidence), 198 to 206, and so much of section 409 as relates to the making of a memorandum.

(2) Section 579 shall not apply to such a High Court in the exercise of its appellate jurisdiction.

639. (1) Nothing in this Code shall be deemed to extend or apply to any Judge of such a High Court in the exercise of its jurisdiction under the Indian Insolvency Act, 1848.

(2) Such a High Court may from time to time frame forms for proceedings in insolvency and make rules as to the books, entries and accounts to be kept by its officers.

PART X.**CHAPTER XLIX.****MISCELLANEOUS.**

640. Females, who according to the custom and manners of the country ought not to be compelled to appear in public, shall be exempt from personal appearance in Court: [Amended by VI 1888, s. 6.]

Exemption of certain females from personal appearance. **Provided that** nothing in this section shall be deemed to exempt such females from arrest in execution of civil process in any case in which the arrest of females is not prohibited by this Code.

641. (1) The Local Government may, by notification in the local official Gazette, exempt from personal appearance in Court any person whose rank, in the opinion of such Government, entitles him to the privilege of exemption.

(2) The names and residences of all persons so exempted shall, from time to time, be forwarded to the High Court by the Local Government, and a list of such persons shall be kept in such Court, and a list of such persons as reside within the local limits of the jurisdiction of each Court subordinate to the High Court shall be kept in such subordinate Court.

(3) Where any person so exempted claims the privilege of such exemption and it is consequently necessary to examine him by commission, he shall pay the costs of that commission, unless the party requiring his evidence pays the same.

*The Code of Civil Procedure, 190**(Part X.—Chapter XLIX.—Miscellaneous.—Sections 642-647.)*

642. (1) No Judge, Magistrate or other judicial officer shall be liable to arrest under civil process while going to, presiding in, or returning from, his Court.

Added VI of 1888, s. 7.] (2) Save as provided by section 256 and section 337A, sub-section (5), where any matter is pending before a tribunal having jurisdiction therein, or believing in good faith that it has such jurisdiction, the parties thereto, their pleaders, mukhtars, revenue agents and recognized agents, and their witnesses acting in obedience to summons, shall not be liable to arrest under civil process, other than process issued for a contempt of Court, during such period as is, or is in good faith believed to be necessary for going to or attending such tribunal for the purpose of such matter, and for returning from such tribunal.

644. Subject to the power conferred on the Use of forms in High Court by section 639 third schedule, and by section 15 of the Indian High Courts Act, 1861, the forms set forth in the third schedule, with such variations as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

645. (1) The language which, at the commencement of this Code, is the language of any Court subordinate to a High Court, shall continue to be the language of such subordinate Court until the Local Government otherwise directs.

(2) The Local Government may declare what shall be the language of any such Court.

645A. (1) In any admiralty or vice-admiralty cause of salvage, towage or collision, the Court, whether it is exercising its original or its appellate jurisdiction, may, if it thinks fit, and shall upon the application of either party to the cause, summon to its assistance, in such manner as it may, by rule, from time to time direct, two competent assessors; and such assessors shall attend and assist accordingly.

(2) Every such assessor shall receive such fees for his attendance as the Court may, by rule, from time to time prescribe; and such fees shall be paid by such of the parties as the Court may in each case direct.

646. Where the Registrar of a Court of Small Causes has any doubt upon any question of law or usage having the force of law, or as to the construction of a document, which construction may affect the merits of the decision, he may state a case for the opinion of the Judge; and all the provisions

S. 643 has been omitted, as the provisions of 476 of the Code of Criminal Procedure, 1898 (Act V of 1898), appear to be sufficient in practice.

of this Code relating to the stating of a case by a Judge shall, so far as they are applicable, be deemed to apply to the stating of a case by such Registrar.

646A. (1) Where at any time before judgment a Court in which a suit has been instituted, doubts whether the suit is cognizable by a Court of Small Causes or is not so cognizable, it may submit the record to the High Court with a statement of its reasons for the doubt as to the nature of the suit.

(2) On receiving such record and statement, the High Court may order the Court either to proceed with the suit or to return the plaint for presentation to such other Court as it may in its order declare to be competent to take cognizance of the suit.

646B. (1) Where a District Court is satisfied that a Court subordinate thereto has, by reason of erroneously holding a suit to be cognizable by a Court of Small Causes or not to be so cognizable, failed to exercise a jurisdiction vested in it by law, or exercised a jurisdiction not so vested, the District Court may, and, if required by a party, shall, submit the record to the High Court with a statement of its reasons for considering the opinion of the subordinate Court with respect to the nature of the suit to be erroneous.

(2) On receiving such record and statement, the High Court may pass such order in the case as it thinks fit.

(3) With respect to any proceedings subsequent to decree in any case submitted to the High Court under this section, the High Court may make such order as in the circumstances appears to it to be just and proper.

(4) A Court subordinate to a District Court shall comply with any requisition which the District Court may make for any record or information for the purposes of this section.

647. (1) The procedure herein prescribed shall, so far as it is applicable, be followed in all proceedings in any Court of civil jurisdiction other than suits and appeals.

(2) The High Court may, from time to time, make rules to provide for the admission, in such proceedings, of affidavits as evidence of the matters to which such affidavits respectively relate.

(3) All such rules shall be published in the local official Gazette, and shall thereupon have effect as if enacted in this Code.

*The Code of Civil Procedure, 190**(Part X.—Chapter XLIX.—Miscellaneous.—Sections, 648, 653, 649, 650, 650A., 652.).*

(4) Nothing in this section shall be deemed to apply to applications for the execution of decrees.

Added by 1888, 1900, and VI, 1900, 1907.]
 648. (1) Where any Court desires that any person shall be arrested or that any property shall be attached under any provision of this Code not relating to the execution of decrees, and such person resides or such property is situate outside the local limits of its jurisdiction, the Court may, in its discretion, issue a warrant of arrest or make an order of attachment, and send to the District Court within the local limits of whose jurisdiction such person or property resides or is situate, a copy of the warrant or order, together with the probable amount of the costs of the arrest or attachment.

(2) On receiving such copy and amount, the District Court shall cause the arrest or attachment to be made by its own officers, or by a Court subordinate to itself, and shall inform the Court which issued or made such warrant or order, of the arrest or attachment.

(3) The Court making an arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he either shows cause to the satisfaction of the former Court why he should not be sent to the latter Court or furnishes sufficient security for his appearance before the latter Court or (where the case is one under Chapter XXXIV) for satisfying any decree that may be passed against him by that Court, in either of which cases the Court making the arrest shall release him.

(4) Where a person to be arrested or moveable property to be attached under this section is within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal or at Madras or Bombay, or of the Chief Court of Lower Burma, the copy of the warrant of arrest or of the order of attachment, and the probable amount of the costs of the arrest or attachment, shall be sent to the Court of Small Causes of Calcutta, Madras, Bombay or Rangoon, as the case may be, and that Court, on receiving such copy and account, shall proceed as if it were the District Court.

Added by 1888, 1900, and VI, 1900, 1907.]
 653 (1) At any time after a warrant of arrest has been issued under this Code, the Court may cancel it on the ground of the serious illness of the person against whom it was issued.

(2) Where a judgment-debtor has been arrested under this Code, the Court may release him if, in its opinion, he is not in a fit state of health to be detained in prison.

(3) Where a judgment-debtor has been committed to prison under this Code, he may be released therefrom—

(a) by the Local Government, on the ground of his suffering from any infectious or contagious disease, or

(b) by the committing Court, or any Court to which that Court is subordinate, on the ground of his suffering from any serious illness.

(4) A judgment-debtor released under this section may be re-arrested, but the period of his detention in prison shall not in the aggregate exceed that prescribed by section 342 or section 481, as the case may be.

649. (1) The provisions of Chapter XIX shall be deemed to apply to the execution of any judicial process for the arrest of a person or the sale of property or the payment of money, which may be desired or ordered by a Civil Court in any civil proceeding.

Explanation—For the purposes of the said Chapter, the expression “Court which passed a decree,” or words to that effect, shall, unless there is anything repugnant in the subject or context, be deemed to include, where the decree to be executed is passed in appeal, the Court which passed the decree from which the appeal was preferred, and, where the Court which passed the decree to be executed has ceased to exist or to have jurisdiction to execute it, the Court which, if the suit wherein the decree was passed was instituted at the time of making application for the execution of the decree, would have jurisdiction to try such suit.

650. The provisions of Chapters XIV and XV relating to witnesses shall be deemed to apply to all persons required to give evidence or to produce documents in any proceeding under this Code.

650A. Summonses issued by any Civil or Revenue Court situate beyond the limits of British India may be sent to the Courts in British India and served as if they had been issued by such Courts: [Amended by VII of 1901, s. 62.]

Provided that the Courts issuing such summonses have been established or continued by the authority of the Governor General in Council, or that the Governor General in Council has, by notification in the Gazette of India, declared the provisions of this section to apply to such Courts.

652. (1) Any High Court may, from time to time, make rules to regulate any matter connected with its own procedure or the procedure of the Civil Courts subject to its superintendence. [Amended by VII of 1901, s. 63, and XIII of 1902, s. 2.]

S. 651 was repealed by Act X of 1886, s. 24 (2).

*The Code of Civil Procedure, 190 .**(Part X.—Chapter XLIX.—Miscellaneous.—Sections 653A-653B.)*

(2) Any High Court not established under the Indian High Courts, Act, 1861, may, from time to time, with the previous sanction of the Local Government, make, with respect to any matter other than procedure, any rule which any High Court so established might, under section 15 of the said Statute, make with respect to any such matter for any part of the territories under its jurisdiction which is not included within the limits of a presidency-town.

(3) Notwithstanding anything in this Code, any High Court established under the said Statute may, from time to time, make such rules, consistent with its Charter, to regulate its own procedure in the exercise of its original civil jurisdiction, as it thinks fit.

(4) All such rules shall be published in the local official Gazette and shall thereupon have effect as if enacted in this Code.

653A. The enactments mentioned in the fourth schedule are hereby amended to the extent specified in the fourth column thereof.

Amendment of certain Acts.

653B. The enactments mentioned in the fifth schedule are hereby repealed to the extent specified in the fourth column thereof:

[3.]

Provided, first, that all notifications published, declarations and rules made, places appointed, agreements filed, scales prescribed, forms framed, appointments made and powers conferred under any such enactment as aforesaid shall, so far as they are consistent with this Code, be deemed to be respectively published, made, appointed, filed, prescribed, framed and conferred hereunder:

Provided, secondly, that save as provided by section 99A, nothing herein contained shall affect any proceedings prior to decree in any suit instituted or appeal preferred before the commencement of this Code or any proceedings subsequent to decree that may have been taken and were still pending at such commencement:

Provided, thirdly, that every appeal pending at the commencement of this Code which would have lain if this Code had been in force on the date of its presentation, shall be heard and determined as if this Code had been in force on such date.

For s. 653, see after clause 648, ante.

The Code of Civil Procedure, 190 .
(*The First and Second Schedules.*)

THE FIRST SCHEDULE.

(*See section 7.*)

Bombay Enactments.

Bombay Regulation XXIX, 1827.
" " VII, 1830.
" " I, 1831.
" " XVI, 1831.
Act XIX of 1835.
" XIII of 1842.

THE SECOND SCHEDULE.

[*See section (8), sub-section (1).*]

[Substituted
by X of 1888,
s. 1.]

CHAPTERS AND SECTIONS OF THIS CODE EXTENDING TO PROVINCIAL COURTS OF SMALL CAUSES.

PRELIMINARY: Sections 1 and 2 and section 8, sub-section (2).

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11 and section 14 sub-section (2).

CHAPTER II.—Of the Court of Institution, except section 20, sub-section (3), and sections 22 to 24.

CHAPTER III.—Of Parties and their Appearances, Applications and Acts.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, sub-section (1).

CHAPTER V.—Of the Institution of Suits.

CHAPTER VI.—Of the Issue and Service of Summons, except section 77.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Of Written Statements and Set-off.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Of Discovery and of the Admission, Inspection, Production, Impounding and Return of Documents.

CHAPTER XII.—Section 155, Judgment where either party fails to produce evidence, except the words after "deliver judgment."

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses.

CHAPTER XV.—Of the Hearing of the suit and Examination of Witnesses, except sections 182 to 188.

CHAPTER XVI.—Of Affidavits.

CHAPTER XVII.—Of Judgment and Decree, except section 203, sub-section (3), and sections 207, 211, 212, 213, 214 and 215.

CHAPTER XVIII.—Of Costs, sections 220, 221 and 222.

CHAPTER XIX.—Of the Execution of Decrees, sections 223 to 236, 239 to 258, 259, 266 (except so far as relates to immoveable property), 267 to 272, 273 (so far as relates to decrees for moveable property), 275 to 283, 284 (so far as relates to moveable property), 285 to 290 (so far as relates to moveable property), 291, 293 (so far as relates to re-sales under 297), 294, sub-sections (1), (3) and (4), 295 to 303, 328 to 333 (so far as relates to moveable property), and 330 to 343.

CHAPTER XX.—Section 314, sub-section (1), Power to invest certain Courts with Insolvency-jurisdiction.

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of requiring Security for Costs.

CHAPTER XXV.—Of Commissions, except section 396.

CHAPTER XXVI.—Suits by or against Paupers.

CHAPTER XXVII.—Suits by or against the Government or Public Officers.

CHAPTER XXVIII.—Suits by Aliens and by or against Foreign and Native Rulers.

CHAPTER XXIX.—Suits by or against Corporations and Companies.

CHAPTER XXX.—Suits by or against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by or against Minors and Persons of unsound Mind.

CHAPTER XXXII.—Suits by or against Military men.

CHAPTER XXXIIA.—Suits by or against Firms and Persons carrying on business in names other than their own.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards immoveable property.

CHAPTER XXXVI.—Appointment of Receivers.

CHAPTER XXXVII.—Reference to Arbitration.

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties.

CHAPTER XLVI.—Of References to the High Court.

CHAPTER XLVIA.—Of Revision by the High Court

CHAPTER XLVII.—Of Review, sections 623 and 624, section 626, sub-sections (1) and (2), and 620.

CHAPTER XLIX.—Miscellaneous.

The Code of Civil Procedure, 1901.
(*The Third Schedules.*)

THE THIRD SCHEDULE.

(See section 644.)

FORMS OF PLEADINGS AND DECREES.

A.—PLAINTS. PART I.

No. 1.

FOR MONEY LENT.

IN THE COURT OF

Civil Suit No.

A. B. [*specify age or state whether adult or minor*] of
against

C. D. [*specify age or state whether adult or minor*] of

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , he lent the defendant rupees repayable on demand [*or on the day of 19 .*]
2. That the defendant has not paid the same, except rupees paid on the day of 19 .
[*If the plaintiff claims exemption from any law of limitation, say :—*]
3. The plaintiff was a minor [*or insane*] from the day of till the day of 19 .
4. The plaintiff prays judgment for rupees, with interest at per cent. from the day of 19 .

[*NOTE.—The object of stating when the debt is to be repaid is merely to fix a date for interest. If, therefore, interest is not claimed, the statement may be omitted.*]

No. 2.

FOR MONEY RECEIVED TO PLAINTIFF'S USE.

(Title.)

A. B. and G. H., the above-named plaintiffs, state as follows :—

1. That on the day of 19 , at , the defendant received rupees [*or a cheque on the Bank for rupees*] from one E. F. for the use of the plaintiffs.
2. That the defendant has not paid [*or delivered*] the same accordingly.
3. The plaintiffs pray judgment for rupees, with interest at per cent. from the day of 19 .

No. 3.

FOR PRICE OF GOODS SOLD BY A FACTOR.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , he and E. F., since deceased delivered to the defendant [*one thousand barrels of flour, five hundred maunds of rice, or as the case may be*] for sale upon commission.
2. That on the day of 19 [*or, on some day unknown to the plaintiff, before the day of 19*], the defendant sold the said merchandise for rupees.
3. That the commission and expenses of the defendant thereon amount to rupees.
4. That on the day of 19 , the plaintiff demanded from the defendant the proceeds of the said merchandise.
5. That he has not paid the same.

[*Demand of judgment.*]

The Code of Civil Procedure, 1900.
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

No. 4.

FOR MONEY RECEIVED BY DEFENDANT THROUGH THE PLAINTIFF'S MISTAKE OF FACT.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the plaintiff agreed to buy and the defendant agreed to sell bars of silver at annas per tola of fine silver.
2. That the plaintiff procured the said bars, to be assayed by one E. F., who was paid by the defendant for such assay, and that the said E. F. declared each of the said bars to contain 1,500 tolas of fine silver, and that the plaintiff accordingly paid the defendant Rs. annas therefor.
3. That each of the said bars did contain only 1,200 tolas of fine silver.
4. That the defendant has not repaid the sum so overpaid.

[Demand of judgment.]

[NOTE.—A demand of re-payment is not necessary, but it may affect the question of interest or the costs.]

No. 5.

FOR MONEY PAID TO A THIRD PARTY AT THE DEFENDANT'S REQUEST.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , at the request [or by the authority] of the defendant, the plaintiff paid to one E. F. rupees.
2. That, in consideration thereof, the defendant promised [or became bound] to pay the same to the plaintiff on demand [or as the case may be].
3. That [on the day of 19 , the plaintiff demanded payment of the same from the defendant, but] he has not paid the same.

[Demand of judgment.]

[NOTE.—If the request or authority is implied, the plaint should state facts raising the implication.]

No. 6.

FOR GOODS SOLD AT A FIXED PRICE AND DELIVERED.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , E. F., of , deceased, sold and delivered to the defendant [one hundred barrels of flour, or, the goods mentioned in the schedule hereto annexed, or, sundry goods].
2. That the defendant promised to pay rupees for the said goods on delivery [or on the day of some day before the plaint was filed].
3. That he was not paid the same.
4. That the said E. F., in his lifetime made his will, whereby he appointed the plaintiff executor thereof.
5. That on the day of 19 the said E. F. died.
6. That on the day of 19 probate of the said will was granted to the plaintiff by the Court of .
7. The plaintiff as executor as aforesaid.

[Demand of judgment.]

[NOTE.—If a day was fixed for payment, it should be stated as furnishing a date for the commencement of interest.]

No. 7.

GOODS SOLD AT A REASONABLE PRICE AND DELIVERED.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , plaintiff sold and delivered to the defendant [sundry articles of house-furniture] but no express agreement was made as to the price.
2. That the same were reasonably worth rupees.
3. That the defendant has not paid the same.

[Demand of judgment.]

[NOTE.—The law implies a promise to pay so much as the goods are reasonably worth.]

The Code of Civil Procedure, 1901.
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

No. 8.

FOR GOODS DELIVERED TO A THIRD PARTY AT DEFENDANT'S REQUEST AT A FIXED PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , plaintiff sold to the defendant [one hundred barrels of flour], and, at the request of the defendant, delivered the same to one E. F.
2. That the defendant promised to pay to the plaintiff rupees therefor.
3. That he has not paid the same.

[Demand of judgment.]

No. 9.

FOR NECESSARIES FURNISHED TO THE FAMILY OF DEFENDANT'S TESTATOR WITHOUT HIS EXPRESS REQUEST, AT A REASONABLE PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , plaintiff furnished to [Mary Jones] the wife of [James Jones], deceased, at her request, sundry articles of [food and clothing], but no express agreement was made as to the price.
2. That the same were necessary for her.
3. That the same were reasonably worth rupees.
4. That the said James Jones refused to pay the same.
5. That the defendant is the executor of the last will of the said James Jones.

[Demand of judgment.]

No. 10.

FOR GOODS SOLD AT A FIXED PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the plaintiff sold to E. F., of , deceased [all the crops then growing on his farm in].
2. That the said E. F. promised to pay the plaintiff rupees for the same.
3. That he did not pay the same.
4. That the defendant is administrator of the estate of the said E. F.

[Demand of judgment.]

No. 11.

FOR GOODS SOLD AT A REASONABLE PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , E. F., of , sold to the defendant [all the fruit growing on his orchard in], but no express agreement was made as to the price.
2. That the same was reasonably worth rupees.
3. That the defendant has not paid the same.
4. That on the day of 19 the High Court of Judicature at Fort William in Bengal duly adjudged the said E. F. to be a lunatic and appointed the plaintiff committee of his estate, with the usual powers for the management thereof.
5. The plaintiff as committee as aforesaid.

[Demand of judgment.]

[NOTE.—When the lunatic's estate is not subject to the ordinary original jurisdiction of a High Court, for paragraphs 4 and 5 substitute the following:—]

4. That on the day of 19 the Civil Court of duly adjudged the said E. F. to be of unsound mind and incapable of managing his affairs, and appointed the plaintiff Manager of his estate.
5. The plaintiff as Manager as aforesaid.

[Demand of judgment.]

(The Third Schedule.)

No. 12.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the _____ day of _____ 19____, at _____, *E. F.*, of _____ agreed with the plaintiff that the plaintiff should make for him [*six tables and fifty chairs*], and that the said *E. F.* should pay for the same upon the delivery thereof _____ rupees.
2. That the plaintiff made the said goods, and on the _____ day of _____ 19____, offered to deliver the same to the said *E. F.*, and has ever since been ready and willing so to do.
3. That the said *E. F.* has not accepted the said goods or paid for the same.
4. That on the _____ day of _____ 19____, the High Court of Judicature at Fort William in Bengal duly adjudged the said *E. F.* to be a lunatic, and appointed the defendant committee of his estate.
5. The plaintiff prays judgment for _____ rupees with interest from the _____ day of _____, at the rate of _____ per cent. per annum, to be paid out of the estate of the said *E. F.* in the hands of the defendant.

No. 13.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the _____ day of _____ 19____, at _____, plaintiff put up at auction sundry [*articles of merchandise*], subject to the condition that all goods not paid for and removed by the purchaser thereof within [*ten days*] after the sale should be re-sold by auction on his account, of which condition the defendant had notice.
2. That the defendant purchased [*one crate of crockery*] at the said auction at the price of _____ rupees.
3. That the plaintiff was ready and willing to deliver the same to the defendant on the said day and for [*ten days*] thereafter, of which the defendant had notice.
4. That the defendant did not take away the said goods purchased by him, nor pay therefor, within [*ten days*] after the sale, nor afterwards.
5. That on the _____ day of _____ 19____, at _____, the plaintiff re-sold the said [*crate of crockery*], on account of the defendant, by public auction, for _____ rupees.
6. That the expenses attendant upon such re-sale amounted to _____ rupees.
7. That the defendant has not paid the deficiency thus arising, amounting to _____ rupees.

[Demand of judgment.]

[NOTE to § 4.—Unless the seller agreed to deliver, the purchaser must fetch the goods; see Act IX of 1872, section 93.]

No. 14.

FOR THE PURCHASE-MONEY OF LANDS CONVEYED.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the _____ day of _____ 19____, at _____, the plaintiff sold [and conveyed] to the defendant [the house and compound No. _____, in the city of _____ or, a farm known as _____, in _____ or, a piece of land lying, &c.]
2. That the defendant promised to pay the plaintiff _____ rupees for the said [house and compound, or farm, or land].
3. That he has not paid the same.

[Demand of judgment.]

[Note.—Where there has been no actual conveyance, as, in § 1, "sold to the defendant the house, etc., and placed him in possession of the same,"]

No. 15.

FOR THE PURCHASE-MONEY OF IMMOVEABLE PROPERTY CONTRACTED TO BE SOLD, BUT NOT CONVEYED.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the _____ day of _____, 19____, at _____, the plaintiff and defendant mutually agreed that the plaintiff should sell to the defendant, and that the defendant should purchase

The Code of Civil Procedure, 1901.
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

from the plaintiff, [the house No. , in the town of , or one hundred bighas of land in plaintiff] for rupees. , bounded by the East Indian railroad, and by other lands of the

2. That on the day of 19 , at , the plaintiff tendered [or, was ready and willing, and offered to execute] a sufficient instrument of conveyance of the said property to the defendant, on payment of the said sum, and still is ready and willing to execute the same.

3. That the defendant has not paid the said sum.

[Demand of judgment.]

No. 16.

FOR SERVICES AT A FIXED PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the defendant [hired plaintiff as a clerk, at the salary of rupees per year].

2. That from the [said day] until the day of 19 , the plaintiff served the defendant as his [clerk].

3. That the defendant has not paid the said salary.

[Demand of judgment.]

No. 17.

FOR SERVICES AT REASONABLE PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That between the day of 19 , and the day of 19 , at , plaintiff [executed sundry drawings, designs and diagrams] for the defendant, at his request; but no express agreement was made as to the sum to be paid for such services.

2. That the said services were reasonably worth rupees.

3. That the defendant has not paid the same.

[Demand of judgment.]

No. 18.

FOR SERVICES AND MATERIALS AT A FIXED PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , plaintiff [furnished the paper for and printed one thousand copies of a book called] for the defendant, at his request [and delivered the same to him].

2. That the defendant promised to pay rupees therefor.

3. That he has not paid the same.

[Demand of judgment.]

No. 19.

FOR SERVICES AND MATERIALS AT A REASONABLE PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , plaintiff built a house [known as No. , in], and furnished the materials therefor, for the defendant, at his request, but no express agreement was made as to the price to be paid for such work and materials.

2. That the said work and materials were reasonably worth rupees.

3. That the defendant has not paid the same.

[Demand of judgment.]

*The Code of Civil Procedure, 190 .**(The Third Schedule.)*THE THIRD SCHEDULE—*continued.*

No. 20.

FOR RENT RESERVED IN A LEASE.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the defendant entered into a contract with the plaintiff, under their hands, a copy of which is hereto annexed.

[Or state the substance of the contract.]

2. That the defendant has not paid the rent of the [month] ending on the day of 19 , amounting to rupees.

[Demand of judgment.]

Another form.

1. That the plaintiff let to the defendant a house, No. 27, Chowringhee, for seven years to hold from the day of 19 , at rupees a year, payable quarterly.

2. That of such rent quarters are due and unpaid.

[Demand of judgment.]

No. 21.

FOR USE AND OCCUPATION AT A FIXED RENT.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 at , the defendant hired from the plaintiff [the house No. Street], at the rent of rupees, payable on the first day of .

2. That the defendant occupied the said premises from the day of 19 to the day of 19 .

3. That the defendant has not paid rupees, being the part of said rent due on the first day of 19 .

[Demand of judgment.]

No. 22.

FOR USE AND OCCUPATION AT A REASONABLE RENT.

(Title.)

A. B., the above-named plaintiff, executor of the will of X. Y., deceased, states as follows :—

1. That the defendant occupied the [house No. Street], by permission of the said X. Y., from the day of 19 , until the day of 19 , and no agreement was made as to payment for the use of the said premises.

2. That the use of the said premises for the said period was reasonably worth rupees.

3. That the defendant has not paid the same.

4. The plaintiff as such executor as aforesaid prays judgment for rupees.

No. 23.

FOR BOARD AND LODGING.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That from the day of 19 , until the day of 19 , the defendant occupied certain rooms in the house [No. Street], by permission of the plaintiff, and was furnished by the plaintiff, at his request, with meat, drink, attendance, and other necessities.

2. That, in consideration thereof, the defendant promised to pay [or, that no agreement was made], as to payment for such meat, drink, attendance or necessities, but the same were reasonably worth the sum of rupees.

3. That the defendant has not paid the same.

[Demand of judgment.]

The Code of Civil Procedure, 1901.
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

No 24.

FOR FREIGHT OF GOODS.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , plaintiff transported in his barge [or otherwise] [one thousand barrels of flour or sundry goods], from to , at the request of the defendant.
2. That the defendant promised to pay the plaintiff the sum of [one rupee per barrel] as freight thereon [or, that no agreement was made as to payment for such transportation, but such transportation was reasonably worth rupees].
3. That the defendant has not paid the same.

[Demand of judgment.]

No. 25.

FOR PASSAGE-MONEY.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , plaintiff conveyed the defendant [in his ship, called the], from to at his request.
2. That the defendant promised to pay the plaintiff rupees therefor [or, that no agreement was made as to the price of the said passage, but the said passage was reasonably worth rupees].
3. That the defendant has not paid the same.

[Demand of judgment.]

No. 26.

ON AN AWARD.

* (Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the plaintiff and defendant, having a controversy between them concerning [a demand of the plaintiff for the price of ten barrels of oil, which the defendant refused to pay], agreed to submit the same to the award of E. F. and G. H., as arbitrators [or, entered into an agreement, a copy of which is hereto annexed].
2. That on the day of 19 , at , the said arbitrators awarded that the defendant should [pay the plaintiff rupees].
3. That the defendant has not paid the same.

[Demand of judgment.]

[NOTE.—This will apply where the agreement to refer is not filed in Court.]

No. 27.

ON A FOREIGN JUDGMENT.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , in the State [or Kingdom] of , the Court of that State [or Kingdom], in a suit therein pending between the plaintiff and the defendant, duly adjudged that the defendant should pay to the plaintiff rupees, with interest from the said date.
2. That the defendant has not paid the same.

[Demand of judgment.]

PLAINTS UPON INSTRUMENTS FOR THE PAYMENT OF MONEY ONLY.

No. 28.

ON AN ANNUITY BOND.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the defendant by his bond became bound to the plaintiff in the sum of of

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

rupees to be paid by the defendant to the plaintiff, subject to a condition that if the defendant should pay to the plaintiff day of rupees half-yearly on the day of and the in every year during the life of the plaintiff, the said bond should be void.

2. That afterwards, on the day of 19 , the sum of rupees for of the said half-yearly payments of the said annuity, became due to the plaintiff and is still unpaid.

[Demand of judgment.]

No. 29.

PAYEE AGAINST MAKER.

(Title.)

A. B., the above-named plaintiff, states as follows —

1. That on the day of 19 , at the defendant, by his promissory note, now overdue, promised to pay to the plaintiff rupees [days] after date.

2. That he has not paid the same [except rupees, paid on the day of 19].

[Demand of judgment.]

[NOTE.—Where the note is payable after notice, for paragraphs 1 and 2 substitute—]

1. That on the day of 19 , at , the defendant, by his promissory note, promised to pay to the plaintiff rupees months after notice.

2. That notice was afterwards given by the plaintiff to the defendant to pay the same months after the said notice.

3. That the said time for payment has elapsed, but the defendant has not paid the same.

[Where the note is payable at a particular place, say—]

1. That on the day of 19 , at , the defendant, by his promissory note, now overdue, promised to pay to the plaintiff [at Messrs. A. & Co.'s, Madras] rupees months after date.

2. That the said note was duly presented for payment [at Messrs. A. & Co.'s] aforesaid, but has not been paid.

Written Statement of the Defendant.

IN THE COURT, &c.

C. D., the above-named defendant, states as follows :—

The defendant made the note sued upon under the following circumstances :—The plaintiff and defendant had for some years been in partnership as indigo manufacturers, and it had been agreed between them that they should dissolve partnership, that the plaintiff should retire from the business, and that the defendant should take over the whole of the partnership-assets and liabilities and should pay the plaintiff the value of his share in the assets after deducting the liabilities.

2. The plaintiff thereupon undertook to examine the partnership-books and inquire into the state of the partnership-assets and liabilities; and he did accordingly examine the said books and make the said inquiries, and he thereupon represented to the defendant that the assets of the firm exceeded Rs. 1,00,000 and that the liabilities of the firm were less than Rs. 30,000, whereas the fact was that the assets of the firm were less than Rs. 50,000 and the liabilities of the firm largely exceeded the assets.

3. The misrepresentations mentioned in the second paragraph of this statement induced the defendant to make the note now sued on, and there never was any other consideration for the making of such note.

No. 30.

FIRST INDORSEE AGAINST MAKER.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the defendant, by his promissory note, now overdue, promised to pay to the order of E.F. [or to E.F. or order], rupees [days] after date].

2. That the said E.F. indorsed the same to the plaintiff.

3. That the defendant has not paid the same.

[Demand of judgment.]

V T

The Code of Civil Procedure, 190 . . .
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

No. 31.

SUBSEQUENT INDORSEE AGAINST MAKER.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. [As in the last preceding form.]
2. That the same was, by the indorsement of the said E. F. and of G. H. and I. J. [or and others] transferred to the plaintiff.
3. That the defendant has not paid the same.

[Demand of judgment.]

No. 32.

FIRST INDORSEE AGAINST FIRST INDORSER.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That E. F., on the day of 19 , at , by his promissory note, now overdue, promised to pay to the defendant or order rupees months after date.
2. That the defendant indorsed the same to the plaintiff.
3. That on the day of 19 , the same was duly presented for payment, but was not paid.

[Or state facts excusing want of presentment.]

4. That the defendant had notice thereof.
5. That he has not paid the same.

[Demand of judgment.]

No. 33.

SUBSEQUENT INDORSEE AGAINST FIRST INDORSER; THE INDORSEMENT BEING SPECIAL.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That the defendant indorsed to one E. F. a promissory note, now overdue, made [or purporting to have been made] by one G. H., on the day of 19 , at , to the order of the defendant, for the sum of rupees [payable days after date].
2. That the same was, by the indorsement of the said E. F. [and others], transferred to the plaintiff [or, that the said E. F. indorsed the same to the plaintiff].

- 3, 4 and 5. [Same as 3, 4 and 5 of the last preceding form.]

[Demand of judgment.]

No. 34.

SUBSEQUENT INDORSEE AGAINST HIS IMMEDIATE INDORSER.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That the defendant indorsed to him a promissory note, now overdue, made [or purporting to have been made] by one E. F., on the day of 19 , at , to the order of one G. H., for the sum of rupees [payable days after date], and indorsed by the said G. H. to the defendant.

- 2, 3 and 4. [Same as in 3, 4 and 5 in Form No. 33.]

[Demand of judgment.]

No. 35.

SUBSEQUENT INDORSEE AGAINST INTERMEDIATE INDORSER.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That a promissory note, now overdue, made [or purporting to have been made] by one E. F., on the day of 19 , at , to the order of one G. H., for the sum of rupees [payable days after date], and indorsed by the said G. H. to the defendant, was by the indorsement of the defendant [and others] transferred to the plaintiff.

- 2, 3 and 4. [As in No. 33.]

[Demand of judgment.]

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

No. 36.

SUBSEQUENT INDORSEE AGAINST MAKER AND FIRST AND SECOND INDORSER.
IN THE COURT OF , AT

Civil Suit, No. .

A. B. [specify age or state whether adult or minor] of
against

C. D. [specify age or state whether adult or minor] of

E. F. [ditto] of

and

G. H. [ditto] of

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the defendant, *C. D.*, by his promissory note, now overdue, promised to pay to the order of the defendant, *E. F.*, rupees [months after date].
2. That the said *E. F.* indorsed the same to the defendant, *G. H.*, who indorsed it to the plaintiff.
3. That on the day of 19 , the same was presented [or state facts excusing want of presentment] to the said *C. D.* for payment, but was not paid.
4. That the said *E. F.* and *G. H.* had notice thereof.
5. That they have not paid the same.

[Demand of judgment.]

No. 37.

DRAWER AGAINST ACCEPTOR.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , by his bill of exchange, now overdue, the plaintiff required the defendant to pay to him rupees [days after date, or sight, thereof].
2. That the defendant accepted the said bill. [If the bill is payable at a certain time after sight, the date of acceptance should be stated; otherwise it is not necessary.]
3. That he has not paid the same.
4. That by reason thereof the plaintiff incurred expenses in and about the presenting and noting of the bill, and incidental to the dishonour thereof.

[Demand of judgment.]

[NOTE.—Where the bill is payable to a third party, for paragraphs 1, 2, 3, say—]

1. That on, &c., at, &c., by his bill of exchange, now overdue, directed to the defendant, the plaintiff required the defendant to pay to *E. F.* or order rupees months after date.
2. That the plaintiff delivered the said bill to the said *E. F.* on .
3. That the defendant accepted the said bill, but did not pay the same, whereupon the same was returned to the plaintiff.

No. 38.

PAYEE AGAINST ACCEPTOR.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , the defendant accepted a bill of exchange, now overdue, made [or purporting to have been made] by one *E. F.*, on the day of 19 , at , requiring the defendant to pay to the plaintiff rupees after sight thereof.
2. That he has not paid the same.

[Demand of judgment.]

No. 39.

FIRST INDORSEE AGAINST ACCEPTOR.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , the defendant accepted a bill of exchange, now overdue, made [or purporting to have been made] by one *E. F.*, on the day of 19 , at , requiring the defendant to pay to the order of one *G. H.* rupees after sight thereof.

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—*continued.*

2. That the said *G. H.* indorsed the same to the plaintiff.
3. That the defendant has not paid the same.

[Demand of judgment.]

No. 40.

SUBSEQUENT INDORSEE AGAINST ACCEPTOR.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. [As in the last preceding form to the end of article 1.]
2. That by the indorsement of the said *G. H.* [and others], the same was transferred to the plaintiff.
3. That the defendant has not paid the same.

[Demand of judgment.]

No. 41.

PAYEE AGAINST DRAWER FOR NON-ACCEPTANCE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day on 19 , at , the defendant, by his bill of exchange, directed to *E. F.*, required the said *E. F.* to pay to the plaintiff rupees [days after sight].
2. That on the day of 19 , the same was duly presented to the said *E. F.* for acceptance, and was dishonoured.
3. That the defendant had due notice thereof.
4. That he has not paid the same.

[Demand of judgment.]

No. 42.

FIRST INDORSEE AGAINST FIRST INDORSER.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to the plaintiff a bill of exchange, now overdue, made [or purporting to have been made] by one *E. F.*, on the day of 19 , at , requiring one *G. H.* to pay to the order of the defendant rupees [days] after sight [or after date, or at sight] thereof [and accepted by the said *G. H.* on the day of 19].
2. That on the day of 19 , the same was presented to the said *G. H.* for payment, and was dishonoured.
3. That the defendant had due notice thereof.
4. That he has not paid the same.

[Demand of judgment.]

No. 43.

SUBSEQUENT INDORSEE AGAINST FIRST INDORSER; THE INDORSEMENT BEING SPECIAL.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to one *E. F.* a bill of exchange, now overdue, made [or purporting to have been made] by one *G. H.*, on the day of 19 , at , requiring one *I. J.* to pay to the order of the defendant rupees days after sight thereof [or otherwise], and accepted by the said *I. J.* on the day of 19 . [This clause may be omitted if not according to the fact.]
2. That the same was, by the indorsement of the said *E. F.* [and others], transferred to the plaintiff.
3. That on the day of 19 , the same was presented to the said *I. J.* for payment, and was dishonoured.
4. That the defendant had due notice thereof.
5. That he has not paid the same.

[Demand of judgment.]

The Code of Civil Procedure, 190
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

No. 44.

SUBSEQUENT INDORSEER AGAINST HIS IMMEDIATE INDORSEER.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That the defendant indorsed to plaintiff a bill of exchange, now overdue, made [*or purporting to have been made*] by one *E. F.*, on the day of 19 , at , requiring one *G. H.* to pay to the order of *I. J.* rupees days after sight thereof [*or otherwise*], [accepted by the said *G. H.*] and indorsed by the said *I. J.* to the defendant.
2. That on the day of 19 , the same was presented to the said *G. H.* for payment, and was dishonoured.
3. That the defendant had due notice thereof.
4. That he has not paid the same.

[Demand of judgment.]

No. 45.

SUBSEQUENT INDORSEER AGAINST INTERMEDIATE INDORSEER.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That a bill of exchange, now overdue, made [*or purporting to have been made*] by one *E. F.*, on the day of 19 , at , requiring one *G. H.* to pay to the order of one *I. J.* rupees days after sight thereof [*or otherwise*], [accepted by the said *G. H.*] and indorsed by the said *I. J.* to the defendant, was, by the indorsement of the defendant [and others], transferred to the plaintiff.
2. That on the day of 19 , the same was presented to the said *G. H.* for payment, and was dishonoured.
3. That the defendant had due notice thereof.
4. That he has not paid the same.

[Demand of judgment.]

No. 46.

INDORSEER AGAINST DRAWER, ACCEPTOR AND INDORSEER.

IN THE COURT OF , AT

Civil Suit No. .

A. B. [*specify age or state whether adult or minor*] of
against
C. D. [*specify age or state whether adult or minor*] of
E. F. [ditto] of
and
G. H. [ditto] of

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the defendant his bill of exchange, now overdue, directed to the defendant *E. F.*, required the said *E. F.* to order of the defendant *G. H.* rupees [days after sight thereof].
2. That on the day of 19 , the said *E. F.* accepted the same.
3. That the said *G. H.* indorsed the same to the plaintiff.
4. That on the day of 19 , the same was presented to the said *E. F.* for payment, and was dishonoured.
5. That the other defendants had due notice thereof.
6. That they have not paid the same.

[Demand of judgment.]

No. 47.

PAYEE AGAINST DRAWER FOR NON-ACCEPTANCE OF A FOREIGN BILL.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the defendant by his bill of exchange, drawn in Calcutta, required one *E. F.* to pay to the plaintiff in [London] pounds sterling, [sixty days] after sight thereof.

*The Code of Civil Procedure, 190 .**(The Third Schedule.)*THE THIRD SCHEDULE—*continued.*

2. That on the day of 19 , the same was presented to the said *E. F.* for acceptance, and was dishonoured, and was thereupon duly protested.
 3. That the defendant had due notice thereof.
 4. That he has not paid the same.
 5. That the value of pounds sterling, at the time of the service of notice or protest on the defendant, was rupees annas.
- Wherefore the plaintiff demands judgment against the defendant for rupees, with [ten per cent.] compensation and interest from the day of 19 .

No. 48.

PAYER AGAINST ACCEPTOR.

*(Title.)**A. B.*, the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , one *E. F.*, by his bill of exchange, now overdue, directed to the defendant, required the defendant to pay to the plaintiff rupees after date [or days after sight] thereof.
2. That on the day of 19 , the defendant accepted the said bill.
3. That he has not paid the same.

[Demand of judgment.]

No. 49.

ON A MARINE [OPEN] POLICY, ON VESSEL LOST BY PERILS OF THE SEA, ETC.

*(Title.)**A. B.*, the above-named plaintiff, states as follows :—

1. The plaintiff was the owner of [or had an interest in] the ship at the time of her loss, as hereinafter mentioned.
2. That on the day of 19 , at , the defendants, in consideration of rupees to them paid [or which the plaintiff then promised to pay], executed to him a policy of insurance upon the said ship, a copy of which is hereto annexed [or, whereby they promised to pay to the plaintiff, within days after proof of loss and interest, all loss and damage accruing to him by reason of the destruction or injury of the said ship, during her next voyage from to , whether by perils of the sea or by fire, or by other causes therein-mentioned, not exceeding rupees].
3. That the said ship, while proceeding on the voyage mentioned in the said policy, was on the day of 19 totally lost by the perils of the sea [or otherwise].
4. That the plaintiff's loss thereby was rupees.
5. That on the day of 19 , he furnished the defendants with proof of his loss and interest, and otherwise duly performed all the conditions of the said policy on his part.
6. That the defendants have not paid the said loss.

[Demand of judgment.]

No. 50.

ON CARGO, LOST BY FIRE :—VALUED POLICY.

*(Title.)**A. B.*, the above-named plaintiff, states as follows :—

1. That plaintiff was the owner of [or had an interest in] [one hundred bales of cotton] on board the ship at the time of her loss as hereinafter mentioned.
2. That on the day 19 , at , the defendants, in consideration of rupees which the plaintiff then paid [or promised to pay], executed to him a policy of insurance upon the said goods, a copy of which is hereto annexed [or, whereby they promised to pay to the plaintiff rupees in case of the total loss, by fire or other causes mentioned, of the said goods before their landing at ; or, in case of partial loss, such damage as the plaintiff might sustain thereby, provided the same should not exceed per cent. of the whole value of the goods].
3. That on the day of 19 , at , while proceeding on the voyage mentioned in the said policy, the said goods were totally destroyed by fire (or as the case may be).

4, 5 and 6. [As in paragraphs 4, 5 and 6 of the last preceding form.]

[Demand of judgment.]

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

No. 51.

ON FREIGHT :—VALUED POLICY.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That the plaintiff had an interest in the freight to be earned by the ship on her voyage from to at the time of her loss as hereinafter mentioned, and that a large quantity of goods was shipped upon freight in her at that time.
2. That on the day of 19 , at , the defendant, in consideration of rupees to him paid, executed to the plaintiff a policy of insurance upon the said freight, a copy of which is hereto annexed [*or state its tenor, as before*].
3. That the said ship, while proceeding upon the voyage mentioned in the said policy, was, on the day of 19 , totally lost by [the perils of the sea].
4. That the plaintiff has not received any freight from the said ship, nor did she earn any on the said voyage, by reason of her loss as aforesaid.
- 5 and 6. [*As in Form No. 49.*]

[Demand of judgment.]

No. 52.

FOR A LOSS BY GENERAL AVERAGE.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That plaintiff was the owner of [*or had an interest in*] [one hundred bales of cotton] shipped on board a vessel called the *Y. Z.*, from to , at the time of the loss hereafter mentioned.
2. That on the day of 19 , at , in consideration of rupees [which the plaintiff then promised to pay], the defendant executed to the plaintiff a policy of insurance upon his said goods, a copy of which is hereto annexed [*or state its tenor, as before*].
3. That on the day of 19 , while proceeding on the voyage mentioned in the said policy, the said vessel was so endangered by perils of the sea that the master and crew thereof were compelled to, and did, cast into the sea a large part of her rigging and furniture.
4. That plaintiff was, by reason thereof, compelled to, and did, pay a general average loss of rupees.
5. That on the day of 19 , he furnished the defendant with proof of his loss and interest, and otherwise duly performed all the conditions of the said policy on his part.
6. That the defendant has not paid the said loss.

[Demand of judgment.]

No. 53.

FOR A PARTICULAR AVERAGE LOSS.

(Title.)

A. B., the above-named plaintiff, states as follows :—

- 1 and 2. [*As in the last preceding form.*]
3. That on the day of 19 , while on the high seas, the sea water broke into the said ship, and damaged the said [cotton] to the amount of rupees.
- 4 and 5. [*As in paragraphs 5 and 6 of the last preceding form.*]

[Demand of judgment.]

No. 54.

ON A FIRE-INSURANCE POLICY.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That plaintiff [was the owner of, *or*] had an interest in a [dwelling-house, known as No. , street, in the city of ,] at the time of its destruction [*or injury*] by fire as hereinafter mentioned.
2. That on the day of 19 , at , in consideration of rupees [to them paid], the defendant executed to the plaintiff a policy of insurance on the said [premises], a copy of which is hereto annexed [*or state its tenor*].
3. That on the day of 19 , the said [dwelling-house] was totally destroyed [*or greatly damaged*] by fire.

The Code of Civil Procedure, 190
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

4. That the plaintiff's loss thereby was rupees.
 5. That on the day of 19 , he furnished the defendants with proof of his said loss and interest, and otherwise duly performed all the conditions of the said policy on his part.
 6. That the defendants have not paid the said loss.
- [Demand of judgment.]

No. 55.

AGAINST SURETY FOR PAYMENT OF RENT.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , one *E. F.* Street,] hired from the plaintiff, for the term of years, the [house No. , at the annual rent of rupees, payable [monthly].
 2. That [at the same time and place] the defendant agreed, in consideration of the letting of the said premises to the said *E. F.*, to guarantee the punctual payment of the said rent.
 3. That the rent aforesaid for the month of 19 , amounting to rupees, has not been paid.
- [If, by the terms of the agreement, notice is required to be given to the surety, add:—]
4. That on the day of 19 , the plaintiff gave notice to the defendant of the non-payment of the said rent, and demanded payment thereof.
 5. That he has not paid the same.

[Demand of judgment.]

B.—PLAINTS FOR COMPENSATION FOR BREACH OF CONTRACT.

No. 56.

FOR BREACH OF AGREEMENT TO CONVEY LAND.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the plaintiff and defendant entered into an agreement, under their hands, of which a copy is hereto annexed.
[Or, that on, &c., the defendant agreed with the plaintiff that, in consideration of a deposit of rupees then paid, and of the further sum of [ten thousand] rupees payable as hereinafter mentioned, he would, on the day of 19 , at , execute to the plaintiff a sufficient conveyance of [the house No. , street, in the city of , free from all incumbrances; and the plaintiff agreed to pay [ten thousand] rupees for the same on delivery thereof.]
2. That on the day of 19 , the plaintiff demanded the conveyance of the said property from the defendant and tendered rupees to the defendant [or, that all conditions were fulfilled, and all things happened and all times elapsed necessary to entitle the plaintiff to have the said agreement performed by the defendant on his part].
3. That the defendant has not executed any conveyance of the said property to the plaintiff [or, that there is a mortgage upon the said property, made by to , for rupees, registered in the office of , on the day of 19 , and still unsatisfied, or any other defect of title].
4. That the plaintiff has thereby lost the use of the money paid by him as such deposit as aforesaid and of other moneys provided by him for the completion of the said purchase, and has lost the expenses incurred by him in investigating the title of the defendant and in preparing to perform the agreement on his part, and has incurred expense in endeavouring to procure the performance thereof by the defendant.
5. The plaintiff prays judgment for rupees compensation.

No. 57.

FOR BREACH OF AGREEMENT TO PURCHASE LAND.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the plaintiff and defendant entered into an agreement, under their hands, of which a copy is hereto annexed.
[Or, that on the day of 19 , at , the plaintiff and defendant mutually agreed that the plaintiff should sell to the defendant and that the defendant should purchase from the plaintiff forty bighas of land in the village of for rupees.]
2. That on the day of 19 , at , the plaintiff, being then the absolute owner of the said property [and the same being free from all incumbrances as was made to appear to the defendant], tendered to the defendant a sufficient instrument of conveyance of the same [or, was ready and willing, and offered, to convey the same to the defendant by a sufficient instrument], on the payment by the defendant of the said sum.
3. That the defendant has not paid the same.

[Demand of judgment.]

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

No. 58.

Another Form.

FOR NOT COMPLETING A PURCHASE OF IMMOVEABLE PROPERTY.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That by an agreement dated the day of 19 , it was agreed by and between the plaintiff and the defendant that the plaintiff should sell to the defendant and the defendant should purchase from the plaintiff a house and land at the price of rupees, upon the terms and conditions following (that is to say):—

(a) That the defendant should pay the plaintiff a deposit of rupees in part of the said purchase-money on the signing of the said agreement; and the remainder on the day of 19 , on which day the said purchase should be completed.

(b) That the plaintiff should deduce and make a good title to the said premises on or before the day of 19 , and on payment of the said remainder of the said purchase-money as aforesaid should execute to the defendant a proper conveyance of the said premises, to be prepared at the defendant's expense.

2. That all conditions were fulfilled, and all things happened and all times elapsed necessary to entitle the plaintiff to have the said agreement performed by the defendant on his part, yet the defendant did not pay the plaintiff the remainder of the said purchase-money as aforesaid on his part.

3. That the plaintiff has thereby lost the expense which he incurred in preparing to perform the said agreement on his part, and has been put to expense in endeavouring to procure the performance thereof by the defendant.

[Demand of judgment.]

No. 59.

FOR NOT DELIVERING GOODS SOLD.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the plaintiff and defendant mutually agreed that the defendant should deliver [one hundred barrels of flour] to the plaintiff [on the day of 19], and that the plaintiff should pay therefor rupees on delivery.

2. That on the [said] day the plaintiff was ready and willing, and offered to pay the defendant the said sum upon delivery of the said goods.

3. That the defendant has not delivered the same, whereby the plaintiff has been deprived of the profits which would have accrued to him from such delivery.

[Demand of judgment.]

No. 60.

FOR BREACH OF CONTRACT TO EMPLOY.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the plaintiff and defendant mutually agreed that the plaintiff should serve the defendant as [an accountant, or, in the capacity of foreman, or as the case may be], and that the defendant should employ the plaintiff as such the term of [one year], and pay him for his services rupees [monthly].

2. That on the day of 19 , the plaintiff entered upon the service of the defendant as aforesaid, and has ever since been, and still is, ready and willing to continue in such service during the remainder of the said year, whereof the defendant always has notice.

3. That on the day of 19 , the defendant wrongfully discharged the plaintiff, and refused to permit him to serve as aforesaid, or to pay him for his services.

[Demand of judgment.]

No. 61.

FOR BREACH OF CONTRACT TO EMPLOY, WHERE THE EMPLOYMENT NEVER TOOK EFFECT.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. As in last preceding Form.]

V U

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

2. That on the day of 19 , at , the plaintiff offered to enter upon the service of the defendant, and has ever since been ready and willing so to do.
3. That the defendant refused to permit the plaintiff to enter upon such service, or to pay him for his services.

[Demand of judgment.]

No. 62.

FOR BREACH OF CONTRACT TO SERVE.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the plaintiff and defendant mutually agreed that the plaintiff should employ the defendant at an [annual] compensation of rupees, and that the defendant should serve the plaintiff as [an artist] for the term of [one year].

2. That the plaintiff has always been ready and willing to perform his part of the said agreement [and on the day of 19 , offered so to do].

3. That the defendant [entered upon] the service of the plaintiff on the above-mentioned day, but afterwards, on the day of 19 , he refused to serve the plaintiff as aforesaid.

[Demand of judgment.]

No. 63.

AGAINST A BUILDER FOR DEFECTIVE WORKMANSHIP

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the plaintiff and defendant entered into an agreement, of which a copy is hereto annexed

[Or state the tenor of the contract.]

2. That the plaintiff duly performed all the conditions of the said agreement on his part.]

3. That the defendant [built the house referred to in the said agreement in a bad and unworkman-like manner].

[Demand of judgment.]

No. 64.

BY THE MASTER AGAINST THE FATHER OR GUARDIAN OF AN APPRENTICE.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , defendant entered into an agreement, under his hand and seal,* a copy of which is hereto annexed.

[Or state the tenor of the contract.]

2. That after the making of the said agreement the plaintiff received the said [apprentice] into his service as such apprentice for the term aforesaid, and has always performed and been ready and willing to perform all things in the said agreement on his part to be performed.

3. That on the day of 19 , the said [apprentice] wilfully absented himself from the service of the plaintiff, and continued so to do.

[Demand of judgment.]

* The form given in Act XIX of 1850 requires the seal of the father or guardian.

No. 65.

BY THE APPRENTICE AGAINST THE MASTER.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the defendant entered into an agreement with the plaintiff and his [father], E. F., under their hands and seals, a copy of which is hereto annexed.

2. That after the making of the said agreement the plaintiff entered into the service of the defendant with him after the manner of an apprentice to serve for the term mentioned in the said agreement and has always performed all things in the said agreement contained on his part to be performed.

The Code of Civil Procedure, 1901.
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

3. That the defendant has not [instructed the plaintiff in the business of , or state any other breach, such as cruelty, failure to provide sufficient food, or other ill-treatment].

[Demand of judgment.]

No. 66.

ON A BOND FOR THE FIDELITY OF A CLERK.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , plaintiff employed one E. F. as a clerk.

2. That on the day of 19 , at , the defendant agreed with the plaintiff that if the said E. F. should not faithfully perform his duties as a clerk to the plaintiff, or should fail to account to the plaintiff for all moneys, evidences of debt or other property received by him for the use of the plaintiff, the defendant would pay to the plaintiff whatever loss he might sustain by reason thereof, not exceeding rupees.

[Or, 2. That at the same time and place the defendant bound himself to the plaintiff, by a writing under his hand, in the penal sum of rupees, conditioned that if the said E. F. should faithfully perform his duties as clerk and cashier to the plaintiff and should justly account to the plaintiff for all moneys, evidences of debt or other property which should be at any time held by him in trust for the plaintiff, the same should be void but not otherwise.]

[Or, 2. That at the same time and place the defendant executed to the plaintiff a bond, a copy of which is hereto annexed.]

3. That between the day of 19 and the day of 19 the said E. F. received money and other property, amounting to the value of rupees, for the use of the plaintiff, for which he has not accounted to him, and the same still remains due and unpaid.

[Demand of judgment.]

No. 67.

BY TENANT AGAINST LANDLORD, WITH SPECIAL DAMAGE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the defendant, by an instrument in writing, let to the plaintiff [the house No. Street], for the term of years, contracting with the plaintiff that he, the plaintiff, and his legal representatives should quietly enjoy possession thereof for the said term.

2. That all conditions were fulfilled and all things happened necessary to entitle the plaintiff to maintain this suit.

3. That on the day of during the said term, one E. F., who was the lawful owner of the said house, lawfully evicted the plaintiff therefrom, and still withholds the possession thereof from him.

4. That the plaintiff was thereby [prevented from continuing the business of a tailor at the said place, was compelled to expend rupees in moving, and lost the custom of G. H. and I. J. by such removal].

[Demand of judgment.]

No. 68.

FOR BREACH OF WARRANTY OF MOVEABLES.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the defendant warranted a steam-engine to be in good working order, and thereby induced the plaintiff to purchase the same of him, and to pay him rupees therefor.

2. That the said engine was not then in good working order, whereby the plaintiff incurred expense in having the said engine repaired, and lost the profits which could otherwise have accrued to him while the engine was under repair.

[Demand of judgment.]

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

No. 69.

ON AN AGREEMENT OF INDEMNITY.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the plaintiff and defendant, being partners in trade under the firm of *A. B. & C. D.*, dissolved the said partnership, and mutually agreed that the defendant should take and keep all the partnership-property, pay all debts of the firm, and indemnify the plaintiff against all claims that might be made upon him on account of any indebtedness of the said firm.
2. That the plaintiff duly performed all the conditions of the said agreement on his part.
3. That on the day of 19 , [a judgment was recovered against the plaintiff and defendant by one *E. F.*, in the High Court of Judicature at , upon a debt due from the said firm to the said *E. F.*, and on the day of 19 ,] the plaintiff paid rupees [in satisfaction of the same].
4. That the defendant has not paid the same to the plaintiff.

[Demand of judgment.]

No. 70

BY SHIPOWNER AGAINST FREIGHTOR FOR NOT LOADING.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the plaintiff and defendant entered into an agreement, a copy of which is hereto annexed.
[Or, 1. That on , at , the plaintiff and defendant agreed by charter-party that the defendant should deliver to the plaintiff's ship at , on the day of 19 , five hundred tons of merchandise, which she should carry to , and there deliver, on payment of freight; and that the defendant should have days for loading, days for discharge, and days for demurrage, if required, at rupees per day.]
 2. That at the time fixed by the said agreement the plaintiff was ready and willing, and offered, to receive the said merchandise, or, the merchandise mentioned in the said agreement from the defendant.
 3. That the period allowed for loading and demurrage has elapsed, but the defendant has not delivered the said merchandise to the said vessel.
- Wherefore, the plaintiff demands judgment for rupees for demurrage and rupees additional for compensation.

C.—PLAINTS FOR COMPENSATION UPON WRONGS.

No. 71.

FOR TRESPASS ON LAND.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the defendant entered upon certain land of the plaintiff, known as , [and depastured the same with cattle, trod down the grass, cut the timber, and otherwise injured the same].

[Demand of judgment.]

No. 72.

FOR TRESPASS IN ENTERING A DWELLING-HOUSE.

(Title.)

A. D., the above-named plaintiff, states as follows:—

1. That the defendant entered a dwelling-house of the plaintiff, called , and made a noise and disturbance therein for a long time, and broke open the doors of the said dwelling-house, and removed, took and carried away the fixtures and goods of the plaintiff therein, and disposed of the same to the defendant's own use, and expelled the plaintiff and his family from the possession of the said dwelling-house, and kept them so expelled for a long time.
2. That the plaintiff was thereby prevented from carrying on his business, and incurred expense in procuring another dwelling-house for himself and family.

[Demand of judgment.]

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

No. 73.

FOR TRESPASS ON MOVEABLES.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the defendant broke open ten barrels of rum belonging to the plaintiff, and emptied their contents into the street [or, seized and took the plaintiff's goods, that is to say, iron, rice and household furniture, or as the case may be, and carried away the same and disposed of them to his own use].

[Or, seized and took the plaintiff's cows and bullocks, and impounded them and kept them impounded for a long time.]

2. That the plaintiff was thereby deprived of the use of the cows and bullocks during that time, and incurred expense in feeding them and in getting them restored to him; and was also prevented from selling them at fair, as he otherwise would have done, and the said cows and bullocks are diminished in value to the plaintiff [otherwise, state the injury according to the facts].

[Demand of judgment.]

No. 74.

FOR THE CONVERSION OF MOVEABLE PROPERTY.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , plaintiff was in possession of certain goods described in the schedule hereto annexed [or, of one thousand barrels of flour].

2. That on that day, at , the defendant converted the same to his own use, and wrongfully deprived the plaintiff of the use and possession of the same.

[Demand of judgment.]

The Schedule.

No. 75.

AGAINST A WAREHOUSEMAN FOR REFUSAL TO DELIVER GOODS.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the defendant, in consideration of the payment to him of rupees [or, * rupees per barrel, per month, &c.], agreed to keep in his godown [one hundred barrels of flour] and to deliver the same to the plaintiff on payment of the said sum.

2. That thereupon the plaintiff deposited with the defendant the said [hundred barrels of flour].

3. That on the day of 19 , the plaintiff requested the defendant to deliver the said goods, and tendered him rupees [or, the full amount of storage due thereon], but the defendant refused to deliver the same.

4. That the plaintiff was thereby prevented from selling the said goods to E. F. and the same are lost to the plaintiff.

[Demand of judgment.]

No. 76.

FOR PROCURING PROPERTY BY FRAUD.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the defendant, for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he, the defendant, was solvent, and worth rupees over all his liabilities].

2. That the plaintiff was thereby induced to sell [and deliver] to the defendant [dry goods] of the value of rupees.

3. That the said representations were false [or, state the particular falsehoods] and were then known by the defendant to be so.

4. That the defendant has not paid for the said goods. [Or, if the goods were not delivered, That the plaintiff, in preparing and shipping the said goods and procuring their restoration, expended rupees].

[Demand of judgment.]

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

No. 77.

FOR FRAUDULENTLY PROCURING CREDIT TO BE GIVEN TO ANOTHER PERSON.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , at , the defendant represented to the plaintiff that one E. F. was solvent and in good credit, and worth rupees over all his liabilities [or, that E. F. then held a responsible situation and was in good circumstances, and might safely be trusted with goods on credit].
- * 2. That the plaintiff was thereby induced to sell to the said E. F., [rice] of the value of rupees [on month's credit].
3. That the said representations were false and were then known by the defendant to be so, and were made by him with intent to deceive and defraud the plaintiff [or, to deceive and injure the plaintiff].
4. That the said E. F. [did not pay for the said goods at the expiration of the credit aforesaid, or] has not paid for the said rice, and the plaintiff has wholly lost the same by reason of the premises.

[Demand of judgment.]

No. 78.

FOR POLLUTING THE WATER UNDER THE PLAINTIFF'S LAND.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That he is, and at all the times hereinafter mentioned was, possessed of certain land called and situate in , and of a well therein, and of water in the said well, and was entitled to the use and benefit of the said well and of the said water therein, and to have certain springs and streams of water which flowed and ran into the said well to supply the same to flow or run without being fouled or polluted.
2. That on the day of 19 , the defendant wrongfully fouled and polluted the said well and the said water therein and the said springs and streams of water which flowed into the said well.
3. That by reason of the premises the said water in the said well became impure and unfit for domestic and other necessary purposes, and the plaintiff and his family are deprived of the use and benefit of the said well and water.

[Demand of judgment.]

No. 79.

FOR CARRYING ON A NOXIOUS MANUFACTURE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and at all the times hereinafter mentioned was, possessed of certain lands called , situate in .
2. That ever since the day of 19 , the defendant has wrongfully caused to issue from certain smelting works carried on by the defendant large quantities of offensive and unwholesome smoke and other vapours and noxious matter, which spread themselves over and upon the said lands, and corrupted the air, and settled on the surface of the said lands.
3. That thereby the trees, hedges, herbage and crops of the plaintiff growing on the said lands were damaged and deteriorated in value and the cattle and live-stock of the plaintiff on the said lands became unhealthy, and divers of them were poisoned and died.
4. That by reason of the premises the plaintiff was unable to depasture the said lands with cattle and sheep as he otherwise might have done, and was obliged to remove his cattle, sheep and farming-stock therefrom, and has been prevented from having so beneficial and healthy a use and occupation of the said lands as he otherwise would have had.

[Demand of judgment.]

No. 80.

FOR OBSTRUCTING A WAY.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and at the time hereinafter mentioned was, possessed of [a house in the village

The Code of Civil Procedure, 1901.
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

3. That he was entitled to a right of way from the said [house] over a certain field to a public highway and back again from the said highway over the said field to the said house, for himself and his servants [with vehicles, or, on foot] at all times of the year.

1. That on the day of 19 , defendant wrongfully obstructed the said way, so that the plaintiff could not pass [with vehicles, or, on foot, or, in any manner] along the said way [and has ever since wrongfully obstructed the same].

4. [State special damage if any.]

[Demand of judgment.]

—
Another Form.

1. That the defendant wrongfully dug a trench and heaped up earth and stones in the public highway leading from to so as to obstruct it.

2. That thereby the plaintiff, while lawfully passing along the said highway, fell over the said earth and stones [or, into the said trench] and broke his arm, and suffered great pain, and was prevented from attending to his business for a long time, and incurred expense for medical attendance.

[Demand of judgment.]

No. 81.

FOR DIVERTING A WATER-COURSE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and at the time hereinafter mentioned was, possessed of a mill situated on a [stream] known as the , in the village of , district of .

2. That by reason of such possession the plaintiff was entitled to the flow of the said stream for working the said mill.

3. That on the day of 19 , the defendant, by cutting the bank of the said stream, wrongfully diverted the water thereof, so that less water ran into the plaintiff's mill.

4. That by reason thereof the plaintiff has been unable to grind more than sacks per day, whereas, before the said diversion of water, he was able to grind sacks per day.

[Demand of judgment.]

No. 82.

FOR OBSTRUCTING A RIGHT TO USE WATER FOR IRRIGATION.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and was at the time hereinafter mentioned, possessed of certain lands situate, &c., and entitled to take and use a portion of the water of a certain stream for irrigating the said lands.

2. That on the day of 19 the defendant prevented the plaintiff from taking and using the said portion of the said water as aforesaid by wrongfully obstructing and diverting the said stream.

[Demand of judgment.]

No. 83.

FOR WASTE BY A LESSEE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

No. 1. That on the day of 19 , the defendant hired from him [the house Street] for the term of .

2. That the defendant occupied the same under such hiring.

3. That during the period of such occupation the defendant greatly injured the premises [defaced the walls, tore up the floors and broke down the doors; or otherwise specify the injuries as far as possible]. The plaintiff prays judgment for rupees compensation.

No. 84.

FOR ASSAULT AND BATTERY.

(Title.)

A. B., the above-named plaintiff, states as follows:—

That on the day of 19 , at , the defendant assaulted and beat him.

The plaintiff prays judgment for rupees compensation.

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

No. 85.

FOR ASSAULT AND BATTERY, WITH SPECIAL DAMAGE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the defendant assaulted and beat him until he became insensible.

2. That the plaintiff was thereby disabled from attending to his business for [six weeks thereafter] and was compelled to pay rupees for medical attendance, and has been ever since disabled [from using his right arm]. [*Or otherwise state the damage, as the case may be.*]

[*Demand of judgment.*]

No. 86.

FOR ASSAULT AND FALSE IMPRISONMENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the defendant assaulted the plaintiff and imprisoned him for days [*or, hours*]; [*state special damage, if any, thus:—*]

2. That by reason thereof the plaintiff suffered great pain of body and mind and was exposed and injured in his credit and circumstances, and was prevented from carrying on his business and from providing for his family by his personal care and attention, and incurred expense in obtaining his liberation from the said imprisonment [*or otherwise as the case may be*].

[*Demand of judgment.*]

No. 87.

FOR INJURIES CAUSED BY NEGLIGENCE ON A RAILROAD.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , the defendants were common carriers of passengers by railway between and .

2. That on that day the plaintiff was a passenger in one of the carriages of the defendants on the said road.

3. That while he was such passenger, at [*or, near the station of*], a collision occurred on the said railway, caused by the negligence and unskillfulness of the defendants' servants, whereby the plaintiff was much injured [having his leg broken, his head cut, &c., and state the special damage, if any, as], and incurred expense for medical attendance, and is permanently disabled from carrying on his former business as [a salesman].

[*Demand of judgment.*]

[*Or thus:—* 2. That on that day the defendants by their servants so negligently and unskillfully drove and managed an engine and a train of carriages attached thereto upon and along the defendants' railway which the plaintiff was then lawfully crossing, that the said engine and train were driven and struck against the plaintiff, whereby, &c., as in § 3.]

No. 88.

FOR INJURIES CAUSED BY NEGLIGENT DRIVING.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is a shoemaker, carrying on business at . The defendant is a merchant of .

2. On the day of , 19 , the plaintiff was walking eastward along Chowringhee, in the City of Calcutta, at about 3 o'clock in the afternoon. He was obliged to cross Harrington Street, which is a street running into Chowringhee at right angles. While he was crossing this street, and just before he could reach the foot-pavement on the further side thereof, a carriage of the defendant's, drawn by two horses, under the charge and control of the defendant's servants, was negligently, suddenly and without any warning turned at a rapid and dangerous pace out of Harrington Street into Chowringhee. The pole of the carriage struck the plaintiff and knocked him down, and he was much trampled by the horses.

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

3. By the blow and fall and trampling the plaintiff's left arm was broken and he was bruised and injured on the side and back, as well as internally, and in consequence thereof the plaintiff was for four months ill and in suffering, and unable to attend to his business, and incurred heavy medical and other expenses, and sustained great loss of business and profits.

The plaintiff claims

rupees damages.

(Title.)

Written Statement of defendant.

1. The defendant denies that the carriage mentioned in the plaint was the defendant's carriage, or that it was under the charge or control of the defendant's servants. The carriage belonged to [Messrs. E. F. and G. H.] of Street, Calcutta, livery stable-keepers, employed by the defendant to supply him with carriages and horses; and the person under whose charge and control the said carriage was, was the servant of the said [Messrs. E. F. and G. H.]

2. The defendant does not admit that the said carriage was turned out of Harrington Street either negligently, suddenly or without warning, or at a rapid or dangerous pace.

3. The defendant says that the plaintiff might and could, by the exercise of reasonable care and diligence, have seen the said carriage approaching him, and avoided any collision with it.

4. The defendant does not admit the statements of the third paragraph of the plaint.

No. 89.

FOR LIBEL; THE WORDS BEING LIBELLOUS IN THEMSELVES.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19, at , the defendant published in a newspaper, called the [or, in a letter addressed to E. F.], the following words concerning the plaintiff:—

[Set forth the words used.]

2. That the said publication was false and malicious.

[Demand of judgment.]

NOTE.—If the libel was in a language not the language of the Court, set out the libel *verbatim* in the foreign language in which it was published, and then proceed thus:—"Which said words, being translated into the language, have the meaning and effect following and were so understood by the persons to whom they were so published, that is to say [here set out a literal translation of the libel in the language of the Court]."

No. 90.

FOR LIBEL; THE WORDS NOT BEING LIBELLOUS IN THEMSELVES.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff [is, and] was, on and before the day of 19, a merchant doing business in the city of .

2. That on the day of 19, at , the defendant published in a newspaper, called the [or, in a letter addressed to E. F., or otherwise how published], the following words concerning the plaintiff:—

["A. B. of this city has modestly retired to foreign lands. It is said that creditors to the amount of rupees are anxiously seeking his address.]

3. That the defendant meant thereby that [the plaintiff had absconded to avoid his creditors, and with intent to defraud them].

4. That the said publication was false and malicious.

[Demand of judgment.]

No. 91.

FOR SLANDER; THE WORDS BEING ACTIONABLE IN THEMSELVES.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19, at , the defendant falsely and maliciously spoke, in the hearing of E. F. [or, sundry persons], the following words concerning the plaintiff: ["He is a thief."]

V X

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

2. That in consequence of the said words the plaintiff lost his situation as employ of . . . in the

[Demand of judgment.]

No. 92.

FOR SLANDER; THE WORDS NOT BEING ACTIONABLE IN THEMSELVES.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the defendant falsely and maliciously said to one E. F. concerning the plaintiff : [“ He is a young man of remarkably easy conscience.”]
2. That the plaintiff was then seeking employment as a clerk, and the defendant meant, by the said words, that the plaintiff was not trustworthy as a clerk.
3. That in consequence of the said words [the said E. F. refused to employ the plaintiff as a clerk].

[Demand of judgment.]

No. 93.

FOR MALICIOUS PROSECUTION.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , at , the defendant obtained a warrant of arrest from [a Magistrate of the said city, or, as the case may be] on a charge of , and the plaintiff was arrested thereon, and imprisoned for [days, or, hours, and gave bail in the sum of rupees to obtain his release].
2. That in so doing the defendant acted maliciously and without reasonable or probable cause.
3. That on the day of 19 , the said Magistrate dismissed the complaint of the defendant and acquitted the plaintiff.
4. That many persons, whose names are unknown to the plaintiff, hearing of the said arrest, and supposing the plaintiff to be a criminal, have ceased to do business with him ; or, that, in consequence of the said arrest, the plaintiff lost his situation as clerk to one E. F.; or, that by reason of the premises the plaintiff suffered pain of body and mind, and was prevented from transacting his business, and was injured in his credit, and incurred expense in obtaining his release from the said imprisonment and in defending himself against the said complaint.

[Demand of judgment.]

D.—PLAINTS IN SUITS FOR SPECIFIC PROPERTY.

No. 94.

BY THE ABSOLUTE OWNER FOR THE POSSESSION OF IMMOVEABLE PROPERTY.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That X. Y. was the absolute owner [of the estate, or, share of the estate, called , situ in the district of , the Government revenue of which is rupees and the estimated value rupees, or, of the house No. , Street in the town of Calcutta, the estimated value which is rupees].
2. That on the day of 19 , Z. illegally dispossessed the said X. of the said estate [or, share, or, house].
3. That the said X. Y. has since died intestate, leaving the plaintiff, the said A. B., his heir him surviving.
4. That the defendant withholds the possession of the estate [or, share, or, house] from the plaintiff. The plaintiff prays judgment—
 - (1) for the possession of the said premises ;
 - (2) for rupees compensation for withholding the same.

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—*continued.*

Another Form.

A. B., the above-named plaintiff, states as follows :—

1. On the day of , plaintiff, by an instrument in writing, let to the defendant a house and premises [No. 52, Russell Street, in the] for a term of five years from the day of , at the monthly rent of 300 rupees.

2. By the said instrument the defendant covenanted to keep the said house and premises in good and tenantable repair.

3. The said instrument also contained a clause of re-entry, entitling the plaintiff to re-enter upon the said house and premises, in case the rent thereby reserved, whether demanded or not, should be in arrear for twenty-one days, or in case the defendant should make default in the performance of any covenant upon his part to be performed.

4. On the day of 19 , a month's rent became due, and on the day of 19 , another month's rent became due; on the day of 19 , both had been in arrear for twenty-one days and both are still due.

5. On the same day of 19 , the house and premises were not and are not now in good or tenantable repair, and it would require the expenditure of a large sum of money to re-instate the same in good and tenantable repair, and the plaintiff's reversion is much depreciated in value. The plaintiff claims—

- (1) possession of the said house and premises;
- (2) rupees for arrears of rent;
- (3) rupees compensation for the defendant's breach of his covenant to repair;
- (4) rupees for the occupation of the house and premises from the day of 19 to the day of recovering possession.

No. 95.

BY THE TENANT.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That one E. F. is the absolute owner of [a piece of land in the town of Calcutta bounded as follows:], the estimated value of which is rupees .

2. That on the day of 19 , the said E. F. let the said premises to the plaintiff for years, from .

3. That the defendant withholds the possession thereof from the plaintiff.

[Demand of judgment.]

No. 96.

FOR MOVEABLE PROPERTY WRONGFULLY TAKEN.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , plaintiff owned [or, was possessed of] one hundred barrels of flour the estimated value of which is rupees.

2. That on that day, at , the defendant took the same.

The plaintiff prays judgment—

- (1) for the possession of the said goods, or for rupees in case such possession cannot be had;
- (2) for rupees compensation for the detention thereof.

No. 97.

FOR MOVEABLES WRONGFULLY DETAINED.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 19 , plaintiff owned [or state facts showing right to the possession] the goods mentioned in the schedule hereto annexed [or describe the goods], the estimated value of which is rupees.

2. That from that day until the commencement of this suit the defendant has detained the same from the plaintiff.

The Code of Civil Procedure, 1900 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

3. That before the commencement of this suit, to wit, on the _____ day of _____ 19____ the plaintiff demanded the same from the defendant, but he refused to deliver them.

The plaintiff prays judgment—

- (1) for the possession of the said goods, or for _____ rupees, in case such possession cannot be had ;
- (2) for _____ rupees compensation for the detention thereof.

The Schedule.

No. 98.

AGAINST A FRAUDULENT PURCHASER AND HIS TRANSFEREE WITH NOTICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the _____ day of _____ 19____, at _____, the defendant [C. D.], for the purpose of inducing the plaintiff to sell him certain goods, represented to plaintiff that [he was solvent, and worth _____ rupees over all his liabilities].
2. That the plaintiff was thereby induced to sell and deliver to the said C. D. [one hundred boxes of tea], the estimated value of which is _____ rupees.
3. That the said representations were false, and were then known by the said C. D. to be so. [Or, That at the time of making the said representations, the said C. D. was insolvent, and knew himself to be so.]
4. That the said C. D. afterwards transferred the said goods to the defendant E. F. without consideration [or, who had notice of the falsity of the representation].

The plaintiff prays judgment—

- (1) for the possession of the said goods, or for _____ rupees, in case such possession cannot be had ;
- (2) for _____ rupees compensation for the detention thereof.

E.—PLAINTS IN SUITS FOR SPECIAL RELIEF.

No. 99.

FOR RESCISSION OF A CONTRACT ON THE GROUND OF MISTAKE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the _____ day of _____ 19____, the defendant represented to the plaintiff that a certain piece of ground belonging to the defendant, situated at _____, contained [ten bighas].
2. That the plaintiff was thereby induced to purchase the same at the price of _____ rupees in the belief that the said representation was true, and signed an instrument of agreement, of a copy is hereto annexed. But no conveyance of the same has been executed to him.
3. That on the _____ day of _____ 19____ the plaintiff paid the defendant _____ rupees part of such purchase-money.
4. That the said piece of ground contained in fact only [five bighas].

The plaintiff prays judgment—

- (1) for _____ rupees, with interest from the _____ day of _____ 19____
- (2) that the said agreement of purchase be delivered up and cancelled.

No. 100.

FOR AN INJUNCTION RESTRAINING WASTE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That plaintiff is the absolute owner of [*describe the property*].
2. That the defendant is in possession of the same under a lease from the plaintiff.
3. That the defendant has [cut down a number of valuable trees, and threatens to cut down more for the purpose of sale] without the consent of the plaintiff.

The plaintiff prays judgment that the defendant be restrained by injunction from committing any further waste on the said premises.

[*Pecuniary compensation might also be prayed.*]

The Code of Civil Procedure, 190
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

No. 101.

FOR ABATEMENT OF A NUISANCE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That plaintiff is, and at all the times hereinafter mentioned was, the absolute owner of [the house No. , Street, Calcutta].
2. That the defendant is, and at all the said times was, the absolute owner of [a plot of ground in the same street].
3. That on the day of 19 , the defendant erected upon his said plot a slaughter-house, and still maintains the same ; and from that day until the present time has continually caused cattle to be brought and killed there [and has caused the blood and offal to be thrown into the street opposite the said house of the plaintiff].
4. That [the plaintiff has been compelled, by reason of the premises, to abandon the said house, and has been unable to rent the same].

The plaintiff prays judgment that the said nuisance be abated.

No. 102.

FOR AN INJUNCTION AGAINST THE DIVERSION OF A WATER-COURSE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

[*As in Form No. 81.*]

The plaintiff prays judgment that the defendant be restrained by injunction from diverting the water as aforesaid.

No. 103.

FOR RESTORATION OF MOVEABLE PROPERTY THREATENED WITH DESTRUCTION, AND FOR AN INJUNCTION.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That plaintiff is, and at all times hereinafter mentioned was, the owner of [a portrait of his grandfather which was executed by an eminent painter], and of which no duplicate exists [*or, state any facts showing that the property is of a kind that cannot be replaced by money.*].
2. That on the day of 19 , he deposited the same for safe keeping with the defendant.
3. That on the day of 19 , he demanded the same from the defendant and offered to pay all reasonable charges for the storage of the same.
4. That the defendant refuses to deliver the same to the plaintiff and threatens to conceal, dispose of, cut or injure the same if required to deliver it up.
5. That no pecuniary compensation would be an adequate compensation to the plaintiff for the loss of the [painting].

The plaintiff prays judgment—

- (1) that the defendant be restrained by injunction from disposing of, injuring or concealing the said [painting] ;
- (2) that he return the same to the plaintiff.

No. 104.

INTERPLEADER.

(*Title.*)

... A. B., the above-named plaintiff, states as follows :—

1. That before the date of the claims hereinafter mentioned one G. H. deposited with the plaintiff [*describe the property*] for [safe keeping].
2. That the defendant C. D. claims the same [under an alleged assignment thereof to him from the said G. H.].
3. That the defendant E. F. also claims the same [under an order of the said G. H. transferring the same to him].

The Code of Civil Procedure, 1900 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

4. That the plaintiff is ignorant of the respective rights of the defendants.
5. That he has no claim upon the said property, and is ready and willing to deliver it to such persons as the Court shall direct.
6. That this suit is not brought by collusion with either of the defendants.

The plaintiff prays judgment—

- (1) that the defendants be restrained, by injunction, from taking any proceedings against the plaintiff in relation thereto ;
- (2) that they be required to interplead together concerning their claims to the said property ;
- [(3) that some person be authorized to receive the said property pending such litigation ;]
- (4) that upon delivering the same to such [person] the plaintiff be discharged from all liability to either of the defendants in relation thereto.

No. 105.

ADMINISTRATION BY CREDITOR.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. E. F., late of _____, was at the time of his death, and his estate still is, indebted to the plaintiff in the sum of _____ [*here insert nature of debt and security, if any.*]
2. The said E. F. made his will, dated the _____ day of _____, and thereof appointed C. D. executor [*or, devised his estate in trust, &c., or, died intestate, as the case may be.*]
3. The said will was proved by the said C. D. [*or, letters of administration were granted, etc.*]
4. The defendant has possessed himself of the moveable [and immoveable, *or, the proceeds of the immoveable*] property of the said E. F., and has not paid the plaintiff his said debt.
5. The said E. F. died on or about the _____ day of _____.
6. The plaintiff prays that an account may be taken of the moveable [and immoveable] property of the said E. F., deceased, and that the same may be administered under the decree of the Court.

No. 106.

ADMINISTRATION BY SPECIFIC LEGATEE.

(Title.)

[Alter Form No. 105 thus :—]

[Omit paragraph 1 and commence paragraph 2] E. F., late of _____, duly made his last will, dated the _____ day of _____, and thereof appointed C. D. executor, and by such will bequeathed to the plaintiff [*here state the specific legacy.*]

For paragraph 4 substitute—

The defendant is in possession of the moveable property of the said E. F., and, amongst other things, of the said [*here name the subject of the specific bequest.*]

For the commencement of paragraph 6 substitute—

The plaintiff prays that the defendant may be ordered to deliver to him the said [*here name the subject of the specific bequest.*] or that, &c.

No. 107.

ADMINISTRATION BY PECUNIARY LEGATEE.

(Title.)

[Alter Form No. 105 thus :—]

[Omit paragraph 1 and substitute for paragraph 2] E. F., late of _____, duly made his last will, dated the _____ day of _____, and thereof appointed C. D. executor, and by such will bequeathed to the plaintiff a legacy of _____ rupees.

In paragraph 4 substitute "legacy" for "debt."

Another Form.

Between E. F. [*specify age or state whether adult or minor*] ... Plaintiff,
and

G. H. [*specify age or state whether adult or minor*] ... Defendant.

E. F., the above-named plaintiff, states as follows :—

1. A. B. of K. in the _____, duly made his last will, dated the _____ day of _____, whereby he appointed the defendant and M. N. [who died in the testator's lifetime] executors thereof, and bequeathed his property, whether moveable or immoveable, to his executors in trust, to pay the rents and income

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

thereof to the plaintiff for his life; and after his decease, and in default of his having a son who should attain twenty-one, or a daughter who should attain that age or marry, upon trust as to his immoveable property for the person who would be the testator's heir-at-law, and as to his moveable property for the persons who would be the testator's next-of-kin if he had died intestate at the time of the death of the plaintiff, and such failure of his issue as aforesaid.

2. The testator died on the day of , and his will was proved by the defendant on the day of . The plaintiff has not been married.

3. The testator was at his death entitled to moveable and immoveable property; the defendant entered into the receipt of the rents of the immoveable property and got in the moveable property; he has sold some part of the immoveable property.

The plaintiff claims—

- (1) to have the moveable and immoveable property of *A. B.* administered in this Court, and for that purpose to have all proper directions given and accounts taken;
- (2) such further or other relief as the nature of the case may require.

Between *E. F.* [*specify age or state whether adult or minor*] ... Plaintiff,
and

G. H. [*specify age or state whether adult or minor*] ... Defendant.

Written Statement of Defendant.

1. *A. B.*'s will contained a charge of debts; he died insolvent; he was entitled at his death to some immoveable property which the defendant sold, and which produced the nett sum of rupees , and the testator had some moveable property which the defendant got in, and which produced the nett sum of rupees .

2. The defendant applied the whole of the said sums and the sum of rupees which the defendant received from rents of the immoveable property in the payment of the funeral and testamentary expenses and some of the debts of the testator.

3. The defendant made up his accounts and sent a copy thereof to the plaintiff on the day of , and offered the plaintiff free access to the vouchers to verify such accounts, but he declined to avail himself of the defendant's offer.

4. The defendant submits that the plaintiff ought to pay the costs of this suit.

No. 108.

EXECUTION OF TRUSTS.

IN THE COURT OF , AT .

Civil Suit, No. .

A. B. [*specify age or state whether adult or minor*] of ... Plaintiff,
against

C. D. [*specify age or state whether adult or minor*] of , the beneficiary [*or, one*
of the beneficiaries] ... Defendant.

A. B., the above-named plaintiff, states as follows :—

1. That he is one of the trustees under an instrument of settlement bearing date on or about the day of made upon the marriage of *E. F.* and *G. H.*, the father and mother of the defendant [*or, an instrument of assignment of the estate and effects of E. F. for the benefit of C. D., the defendant, and the other creditors of E. F.*].

2. The said *A. B.* has taken upon himself the burden of the said trust, and is in possession of [*or of the proceeds of*] the moveable and immoveable property conveyed [*or assigned*] by the before-mentioned deed.

3. The said *C. D.* claims to be entitled to a beneficial interest under the before-mentioned deed.

4. The plaintiff is desirous to account for all the rents and profits of the said immoveable property [and the proceeds of the sale of the said, *or, of part of the said, immoveable property, or, moveable, or, the proceeds of the sale of, or, of part of, the said moveable, property, or, the profits accruing to the plaintiff as such trustee in the execution of the said trust*]; and he prays that the Court will take the accounts of the said trust, and also that the whole of the said trust estate may be administered in the Court for the benefit of the said *C. D.*, the defendant, and all other persons who may be interested in such administration, in the presence of the said *C. D.* and such other persons so interested as the Court may direct, or that the said *C. D.* may show good cause to the contrary.

[*N. B.*—Where the suit is by a beneficiary, the plaint may be modelled, *mutatis mutandis*, on the plaint by a legatee.]

No. 109.

FORECLOSURE OR SALE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. By a mortgage-deed dated the day of 19 , a house with the garden and appurtenances, situated within the jurisdiction of this Court, were conveyed by the

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

defendant to him the plaintiff, his heirs [or executors, administrators,] and assigns, for securing the principal sum of Rs. together with interest thereon at the rate of Rs. per cent. per annum, subject to redemption upon payment by the said defendant of the said principal and interest at a day long since past.

2. There is now due from the defendant to the plaintiff the sum of Rs. for principal and interest on the said mortgage.

3. The plaintiff prays (a) that the Court will order the defendant to pay him the said sum of Rs. with such further interest as may accrue between the filing of the plaint and the day of payment, and also the costs of this suit, on some day to be named by the Court, and in default that the right to redeem the said mortgaged premises may be foreclosed and the plaintiff placed in possession of the same premises; or (b) that the said premises may be sold, and the proceeds applied in and towards the payment of the amount of the said principal, interest and costs; and (c) that, if such proceeds shall not be sufficient for the payment in full of such amount, the defendant do pay to the plaintiff the amount of the deficiency with interest thereon at the rate of six per cent per annum until realization; and (d) that for that purpose all proper directions may be given and accounts taken by the Court.

No. 110.

REDEMPTION.

(Title.)

[Alter Form No. 109 thus:—]

Transpose parties and also the facts in paragraph 1.

For paragraph 2 substitute—

2. There is now due from the plaintiff to the defendant, for principal and interest on the said mortgage, the sum of Rs. , which the plaintiff is ready and willing to pay to the defendant, of which the defendant, before filing this plaint, had notice.

For paragraph 3 substitute—

The plaintiff prays that he may redeem the said premises and that the defendant may be ordered to convey the same to him upon payment of the said sum of Rs. and interest, with such costs (if any), as the Court may order, upon a day to be named by the Court, and that the Court will give all proper directions for the preparation and execution of such re-conveyance and doing such other acts as may be necessary to put him into possession of the said premises, freed from the said mortgage.

No. 111.

SPECIFIC PERFORMANCE. (No. 1.)

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. By an agreement dated the day of and signed by the above-named defendant, C. D., he the said C. D. contracted to buy of [or, sell to] him certain immoveable property therein described and referred to, for the sum of rupees.

2. He has applied to the said C. D. specifically to perform the said agreement on his part, but he has not done so.

3. The said A. B. has been and still is ready and willing specifically to perform the agreement on his part of which the said C. D. has had notice.

4. The plaintiff prays that the Court will order the said C. D. specifically to perform the said agreement and to do all acts necessary to put the said A. B. in full possession of the said property [or, to accept a conveyance and possession of the said property] and to pay the costs of the suit.

[N. B.—In suits for delivery up, to be cancelled, of any agreement, omit paragraphs 2 and 3, and substitute a paragraph stating generally the grounds for requiring the agreement to be delivered up to be cancelled—such as that the plaintiff signed it by mistake, under duress, or by the fraud of the defendant—and alter the prayer according to the relief sought.]

No. 112.

SPECIFIC PERFORMANCE. (No. 2.)

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 19 , the defendant was absolutely entitled to certain moveable property described in the agreement hereto annexed.

2. That on the same day the plaintiff and defendant entered into an agreement, under their hands, a copy of which is hereto annexed.

3. That on the day of 19 , the plaintiff tendered rupees to the defendant, and demanded a conveyance of the said property.

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—*continued*.

4. That on the day of 19 , the plaintiff again demanded such conveyance. [*Or* That the defendant refused to convey the same to the plaintiff.]

5. That the defendant has not executed such conveyance.

6. That the plaintiff is still ready and willing to pay the purchase-money of the said property to the defendant.

The plaintiff prays judgment—

(1) that the defendant execute to the plaintiff a sufficient conveyance of the said property [*following the terms of the agreement*];

(2) for rupees compensation for withholding the same.

No. 113.

PARTNERSHIP.

(Title.)

A. B., the aboved-named plaintiff, states as follows:—

1. He and the said C. D., the defendant, have been for the space of years [*or months*] last past carrying on business together at within the jurisdiction of this Court, under certain articles of partnership in writing, signed by them respectively [*or*, under a certain deed sealed and executed by them respectively, *or*, under a verbal agreement between them, the said plaintiff and defendant].

2. Diverse disputes and differences have arisen between the plaintiff and defendant as such partners, whereby it has become impossible to carry on the said business in partnership with advantage to the partners.

3. The plaintiff desires to have the said partnership dissolved and he is ready and willing to bear his share of the debts and obligations of the partnership according to the terms of the said articles [*or*, deed, *or*, agreement].

4. The plaintiff prays the Court to decree a dissolution of the said partnership, and that the accounts of the said partnership-trading may be taken by the Court, and the assets thereof realized, and that each party may be ordered to pay into Court any balance due from him upon such partnership-account, and that the debts and liabilities of the said partnership may be paid and discharged, and that the costs of the suit may be paid, out of the partnership-assets, and that any balance remaining of such assets, after such payment and discharge, and the payment of the said costs, may be divided between the plaintiff and defendant according to the terms of the said articles [*or*, deed, *or*, agreement], or that if the said assets shall prove insufficient, he the plaintiff and the said defendant may be ordered to contribute in such proportions as shall be just to a fund to be raised for the payment and discharge of such debts, liabilities and costs. And to give such other relief as the Court shall think fit.

This plaint was filed by of * , pleader for the plaintiff [*or by*].

[N. B.—*In suits for winding-up of any partnership, omit the prayer for dissolution: but instead thereof insert a paragraph stating the fact of the partnership having been dissolved.*]

No. 114.

FORMS OF CONCISE STATEMENTS.

[Code of Civil Procedure, 190 , section 58.]

Money lent.	The plaintiff's claim is	rs. for money lent [and interest].
Several demands.	The plaintiff's claim is good sold, and interest.	rs., whereof rs. is for the price of rs. for money lent, and rs. for
Rent.	The plaintiff's claim is	rs. for arrears of rent.
Salary, etc.	The plaintiff's claim is as the case may be].	rs. for arrears of salary as a clerk [<i>or</i>
Interest.	The plaintiff's claim is	rs. for interest upon money lent.
General average.	The plaintiff's claim is tion.	rs. for a general average contribu-
Freight, etc.	The plaintiff's claim is	rs. for freight and demurrage.
Banker's balance.	The plaintiff's claim is defendant as a banker.	rs. for money deposited with the
Fees, etc., as pleader.	The plaintiff's claim is money expended] as a pleader.	rs. for fees for work done [and rs.

V V

*The Code of Civil Procedure, 190**The Third Schedule.*THE THIRD SCHEDULE—*continued.*

Commission.	The plaintiff's claim is <i>character—as auctioneer, cotton-broker, etc.</i>	rs. for commission earned as [<i>state</i>]
Medical attendance.	The plaintiff's claim is	rs. for medical attendances.
Return of premium.	The plaintiff's claim is policies of insurance.	rs. for a return of premiums paid upon
Warehouse rent.	The plaintiff's claim is	rs. for the warehousing of goods.
Carriage of goods.	The plaintiff's claim is way.	rs. for the carriage of goods by rail-
Use and occupation of house.	The plaintiff's claim is house.	rs. for the use and occupation of a
Hire of goods.	The plaintiff's claim is	rs. for the hire of [furniture].
Work done.	The plaintiff's claim is	rs. for work done as a [surveyor].
Board and lodging.	The plaintiff's claim is	rs. for board and lodging.
Schooling.	The plaintiff's claim is tuition of X. Y.	rs. for the [board, lodging and]
Money received.	The plaintiff's claim is ant as pleaser [<i>or</i> factor, <i>or</i> collector, <i>or etc.</i>] of the plaintiff.	rs. for money received by the defend-
Fees of office.	The plaintiff's claim is ant under colour of the office of	rs. for fees received by the defend-
Money overpaid.	The plaintiff's claim is charged for the carriage of goods by railway.	rs. for a return of money over-
	The plaintiff's claim is the defendant as	rs. for a return of fees overcharged by
Return of money by stake-holder.	The plaintiff's claim is with the defendant as stake-holder.	rs. for a return of money deposited
Money won from stake-holder.	The plaintiff's claim is defendant as stake-holder, and become payable to plaintiff.	rs. for money entrusted to the
Money entrusted to agent.	The plaintiff's claim is to the defendant as agent of the plaintiff.	rs. for a return of money entrusted
Money obtained by fraud.	The plaintiff's claim is from the plaintiff by fraud.	rs. for a return of money obtained
Money paid by mistake.	The plaintiff's claim is the defendant by mistake.	rs. for a return of money paid to
Money paid for consideration which has failed.	The plaintiff's claim is the defendant for [work to be done, <i>or</i> , work left undone; <i>or</i> a bill to be taken up, <i>or</i> , a bill not taken up; <i>or etc.</i>]	rs. for a return of money paid to
	The plaintiff's claim is deposit upon shares to be allotted.	rs. for a return of money paid as a
Money paid by surety for defendant.	The plaintiff's claim is as his surety.	rs. for money paid for the defendant
Rent paid.	The plaintiff's claim is by the defendant.	rs. for money paid for rent due
Money paid on accommodation bill.	The plaintiff's claim is [<i>or</i> , indorsed] for the defendant's accommodation.	rs. upon a bill of exchange accepted
Contribution by surety.	The plaintiff's claim is money paid by the plaintiff as surety.	rs. for a contribution in respect of
By co-debtor.	The plaintiff's claim is a joint debt of the plaintiff and the defendant paid by the plaintiff.	rs. for a contribution in respect of
Money paid for calls.	The plaintiff's claim is shares, against which the defendant was bound to indemnify the plaintiff.	rs. for money paid for calls upon
Money payable under award.	The plaintiff's claim is award.	rs. for money payable under an
Life-policy.	The plaintiff's claim is the life of X. Y., deceased.	rs. upon a policy of insurance upon
Money-bond.	The plaintiff's claim is of rs. and interest.	rs. upon a bond to secure payment
Foreign judgment.	The plaintiff's claim is in [the Empire of Russia].	rs. upon a judgment of the Court

*The Code of Civil Procedure, 190 .**(The Third Schedule.)*

THE THIRD SCHEDULE—continued.

Bill of exchange, etc.	The plaintiff's claim is rs. upon a cheque drawn by the defendant.
	The plaintiff's claim is rs. upon a bill of exchange accepted [or drawn, or indorsed] by the defendant.
	The plaintiff's claim is rs. upon a promissory note made [or indorsed] by the defendant.
	The plaintiff's claim is rs. against the defendant A. B. as acceptor, and against the defendant C. D. as drawer [or indorser], of a bill of exchange.
Surety.*	The plaintiff's claim is rs. against the defendant as surety for the price of goods sold.
	The plaintiff's claim is rs. against the defendant A. B. as principal, and against the defendant C. D. as surety, for the price of goods sold [or for arrears of rent, or for money lent, or for money received by the defendant A. B. as traveller for the plaintiff, or &c.].
Calls.	The plaintiff's claim is rs. for calls upon shares.

Indorsement for costs, &c.

[Add to the above forms] and rs. for costs; and if the amount claimed be paid to the plaintiff within days [or if the summons is to be served out of the jurisdiction, insert the appearance limited by the order] from the service hereof, further proceedings will be stayed.

Damages and other Claims.

Agent, etc.	The plaintiff's claim is for damages for breach of a contract to employ the plaintiff as traveller. The plaintiff's claim is for damages for wrongful dismissal from the defendant's employment as traveller [and rs. for arrears of wages]. The plaintiff's claim is for damages for the defendant's wrongfully quitting the plaintiff's employment as manager. The plaintiff's claim is for damages for breach of duty as factor [or &c.] of the plaintiff [and rs. for money received as factor, or etc.].
Apprentices.	The plaintiff's claim is for damages for breach of the terms of a deed of apprenticeship of X. Y. to the defendant [or plaintiff].
Arbitration.	The plaintiff's claim is for damages for non-compliance with the award of X. Y.
Assault, etc.	The plaintiff's claim is for damages for assault [and false imprisonment, and for malicious prosecution].
By husband and wife.	The plaintiff's claim is for damages for assault and false imprisonment of the plaintiff, C. D.
Against husband and wife.	The plaintiff's claim is for damages for assault by the defendant C. D.
Pleader.	The plaintiff's claim is for damages for injury by the defendant's negligence as pleader of the plaintiff.
Bailment.	The plaintiff's claim is for damages for negligence in the custody of goods [and for wrongfully detaining the same].
Pledge.	The plaintiff's claim is for damages for negligence in the keeping of goods pawned [and for wrongfully detaining the same].
Hire.	The plaintiff's claim is for damages for negligence in the custody of furniture [or a carriage] lent on hire [and for wrongfully, &c.].
Banker.	The plaintiff's claim is for damages for wrongfully neglecting [or refusing] to pay the plaintiff's cheque.
Bill.	The plaintiff's claim is for damages for breach of a contract to accept the plaintiff's drafts.
Bond.	The plaintiff's claim is upon a bond conditioned not to carry on the trade of a .
Carrier.	The plaintiff's claim is for damages for refusing to carry the plaintiff's goods by railway. The plaintiff's claim is for damages for refusing to carry the plaintiff by railway. The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of coals by railway. The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of machinery by sea. The plaintiff's claim is for damages for breach of charter-party of ship [Mary].
Charter-party.	The plaintiff's claim is for return of household furniture, [or, &c.] or their value, and for damages for detaining the same.
Claim for return of goods; damages.	

The Code of Civil Procedure, 1901.
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

Damages for depriving of goods	The plaintiff's claim is for wrongfully depriving plaintiff of goods, household furniture, &c.
Defamation.	The plaintiff's claim is for damages for libel. The plaintiff's claim is for damages for slander.
Wrongful distress.	The plaintiff's claim is for damages for improperly distraining.
[This Form shall be sufficient whether the distress complained of be wrongful or excessive or irregular.]	
Ejectment.	The plaintiff's claim is to recover possession of a house, No. _____ in _____ Street, or of a farm called Blackacre, situate in _____ of _____ the _____ of _____ in the _____ of _____.
To establish title and recover rents.	The plaintiff's claim is to establish his title to [here describe property] and to recover the rents thereof.
[The two previous Forms may be combined.]	
Fishery.	The plaintiff's claim is for damages for infringement of the plaintiff's right of fishing.
Fraud.	The plaintiff's claim is for damages for fraudulent misrepresentation on the sale of a horse [or a business, or shares, or &c.] The plaintiff's claim is for damages for fraudulent misrepresentation of the credit of A. B.
Guarantee.	The plaintiff's claim is for damages for breach of a contract of guarantee for A. B. The plaintiff's claim is for damages for breach of a contract to indemnify the plaintiff as the defendant's agent to distrain.
Insurance.	The plaintiff's claim is for a loss under a policy upon the ship [Royal Charter], and freight of cargo [or for return of premiums].
[This Form shall be sufficient whether the loss claimed be total or partial.]	
Fire-insurance.	The plaintiff's claim is for a loss under a policy of fire-insurance upon house and furniture. The plaintiff's claim is for damages for breach of a contract to insure a house.
Landlord and tenant.	The plaintiff's claim is for damages for breach of a contract to keep a house in repair. The plaintiff's claim is for damages for breaches of covenants contained in a lease of a farm.
Medical man.	The plaintiff's claim is for damages for injury to the plaintiff from the defendant's negligence as a medical man.
Mischivous animal.	The plaintiff's claim is for damages for injury by the defendant's dog.
Negligence.	The plaintiff's claim is for damages for injury to the plaintiff by the negligent driving of the defendant or his servants. The plaintiff's claim is for damages for injury to the plaintiff while a passenger on the defendant's railway by the negligence of the defendant's servants. The plaintiff's claim is for damages for injury to the plaintiff at the defendant's railway-station from the defective condition of the station.
Act XIII of 1855.	The plaintiff's claim is as executor of A. B. deceased, for damages for the death of the said A. B. from injuries received while a passenger on the defendant's railway, by the negligence of the defendant's servants.
Promise of marriage.	The plaintiff's claim is for damages for breach of promise of marriage.
Sale of goods.	The plaintiff's claim is for damages for breach of contract to accept and pay for goods. The plaintiff's claim is for damages for non-delivery [or short delivery, or defective quality, or other breach of contract of sale] of cotton [or &c.] The plaintiff's claim is for damages for breach of warranty of a horse.
Sale of land.	The plaintiff's claim is for damages for breach of a contract to sell [or purchase] land. The plaintiff's claim is for damages for breach of a contract to let [or take] a house. The plaintiff's claim is for damages for breach of a contract to sell [or purchase] the lease, with good-will, fixtures and stock-in-trade of a public house. The plaintiff's claim is for damages for breach of covenant for title [or for quiet enjoyment, or &c.] in a conveyance of land.
Trespass and.	The plaintiff's claim is for damages for wrongfully entering the plaintiff's land and drawing water from his well [or cutting his grass, or felling his timber, or pulling down his fences, or removing his gate, or using his road or path, or crossing his field, or depositing sand there, or carrying away gravel from thence, or carrying away stones from his river].

*The Code of Civil Procedure, 1901.**(The Third Schedule.)*THE THIRD SCHEDULE—*continued.*

Support.	The plaintiff's claim is for damages for wrongfully taking away the support of plaintiff's land [or house, or mine].
Way.	The plaintiff's claim is for damages for wrongfully obstructing a way [public highway, or private way].
Water-course, etc.	The plaintiff's claim is for damages for wrongfully diverting [or obstructing, or polluting, or diverting water from] a water-course. The plaintiff's claim is for damages for wrongfully discharging water upon the plaintiff's land [or into the plaintiff's mine]. The plaintiff's claim is for damages for wrongfully obstructing the plaintiff's use of a well.
Pasture.	The plaintiff's claim is for damages for the infringement of the plaintiff's right of pasture. [This form shall be sufficient whatever the nature of the right to pasture be.]
Light.	The plaintiff's claim is for damages for obstructing the access of light to plaintiff's house.
Patent.	The plaintiff's claim is for damages for the infringement of the plaintiff's patent.
Copyright.	The plaintiff's claim is for damages for the infringement of the plaintiff's copyright.
Trade-mark.	The plaintiff's claim is for damages for wrongfully using [or imitating] the plaintiff's trade-mark.
Work.	The plaintiff's claim is for damages for breach of a contract to build a ship [or to repair a house, &c.]. The plaintiff's claim is for damages for breach of a contract to employ the plaintiff to build a ship, etc.
Nuisance.	The plaintiff's claim is for damages to his house, trees, crops, etc., caused by noxious vapours from the defendant's factory [or, etc.]. The plaintiff's claim is for damages from nuisance by noise from the defendant's works [or stables, or, etc.].
Injunction.	[Add to indorsement]:— and for an injunction. [Add to indorsement where claim is to land, or to establish title, or both]:—
Mesne profits.	and for mesne profits.
Arrears of rent.	and for an account of rents or arrears of rent.
Breach of covenant.	and for breach of covenant for [repairs].

1. Creditor to administer Estate.

The plaintiff's claim is as a creditor of X. Y., of _____, deceased, to have the moveable and immoveable property of the said X. Y. administered. The defendant, C. D., is sued as the administrator of the said X. Y. [and the defendants E. F. and G. H. as his co-heirs at law].

2. Legatee to administer Estate.

The plaintiff's claim is as a legatee under the will dated the _____ day of _____, 19____, of X. Y., deceased, to have the moveable and immoveable property of the said X. Y. administered. The defendant C. D. is sued as the executor of the said X. Y. [and the defendants E. F. and G. H. as his devisees].

3. Partnership.

The plaintiff's claim is to have an account taken of the partnership dealings between the plaintiff and defendant [under articles of partnership dated the _____ day of _____], and to have the affairs of the partnership wound up.

4. By Mortgagee.

The plaintiff's claim is to have an account taken of what is due to him for principal, interest and costs on a mortgage dated the _____ day of _____ made between [Parties] [or, by deposit of title-deeds], and that the mortgage may be enforced by foreclosure or sale.

5. By Mortgagor.

The plaintiff's claim is to have an account taken of what, if anything, is due on a mortgage dated _____ and made between [parties], and to redeem the property comprised therein.

6. Raising Portions.

The plaintiff's claim is that the sum of _____ Rs. which by a deed of settlement, dated _____ was provided for the portions of the younger children of _____, may be raised.

The Code of Civil Procedure, 1901.
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

7. *Execution of Trusts.*

The plaintiff's claim is to have the trusts of an indenture dated _____ and made between [parties] carried into execution.

8. *Cancellation or Rectification.*

The plaintiff's claim is to have a deed dated _____ and made between [parties] set aside or rectified.

9. *Specific Performance.*

The plaintiff's claim is for specific performance of an agreement dated the _____ day of _____ for the sale by the plaintiff to the defendant of certain [freehold] hereditaments at _____

No. 115.

PROBATE.

1. *By an executor or legatee propounding a will in solemn form.*

The plaintiff claims to be executor of the last will, dated the _____ day of _____, of C. D., late of _____, deceased, who died on the _____ day of _____, and to have the said will established. This summons is issued against you as one of the next-of-kin of the said deceased [or, as the case may be].

2. *By an executor or legatee of a former will, or a next-of-kin, &c., of the deceased, seeking to obtain the revocation of a probate granted in common form.*

The plaintiff claims to be executor of the last will, dated the _____ day of _____, of C. D., late of _____, deceased, who died on the _____ day of _____, and to have the probate of a pretended will of the said deceased, dated the _____ day of _____, revoked. This summons is issued against you as the executor of the said pretended will [or, as the case may be].

3. *By an executor or legatee of a will when letters of administration have been granted as in an intestacy.*

The plaintiff claims to be executor of the last will of C. D., late of _____, deceased, who died on the _____ day of _____, dated the _____ day of _____.

The plaintiff claims that the grant of letters of administration of the estate of the said deceased obtained by you should be revoked, and probate of the said will granted to him.

4. *By a person claiming a grant of administration as a next-of-kin of the deceased, but whose interest as next-of-kin is disputed.*

The plaintiff claims to be the brother and sole next-of-kin of C. D., of _____, deceased, who died on the _____ day of _____, intestate, and to have as such a grant of administration to the personal estate of the said intestate. This writ is issued against you because you have entered a caveat, and have alleged that you are the sole next-of-kin of the deceased [or, as the case may be].

The Code of Civil Procedure, 190 .

(The Third Schedule.)

THE THIRD SCHEDULE—*continued.*

F.—MISCELLANEOUS.

No. 116.

Section 57B of the Code of Civil Procedure, 190 .

COURT of the _____ of _____ holden at _____
REGISTER OF CIVIL SUITS in the year 19 .

[illegible]

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

No. 117.

SUMMONS FOR DISPOSAL OF SUIT.

Sections 64 and 68 of the Code of Civil Procedure, 190 .

(Title.)

To

dwelling at

WHEREAS

NOTICE.—1. Should you apprehend your witnesses will not attend of their own accord, you can have summonses from this Court to compel the attendance of any witness, and the production of any document that you have a right to call up in the witness to produce, on applying to the Court at any time before the trial, on your depositing their necessary subsistence-money.

2. If you admit the demand, you should pay the money into Court with the costs of the suit, to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

has instituted a suit against you for you are hereby summoned to appear in this Court in person or by a duly authorized pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions, on

the day of

19 , at o'clock in the forenoon,

to answer the above-named plaintiff; and, as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all

your witnesses on that day; and you are hereby required to take notice that, in default of your appearance on the day before-mentioned, the suit will be heard and determined in your absence; and you will bring with you, or send by your pleader,

, which the plaintiff desires to inspect, and any documents on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court, this

day of

19 .

L. S.

Judge.

NOTE.—If written statements are required, say—You are (or such a party is, as the case may be) required to put in a written statement by the day of

No. 118.

SUMMONS FOR SETTLEMENT OF ISSUES.

Sections 64 and 68 of the Code of Civil Procedure, 190 .

(Title.)

To

dwelling at

WHEREAS

NOTICE.—1. Should you apprehend your witnesses will not attend of their own accord, you can have summonses from this Court to compel the attendance of any witness, and the production of any document that you have a right to call on the witness to produce, on applying to the Court at any time before the trial, on your depositing their necessary subsistence-money.

2. If you admit the demand, you should pay the money into Court with the costs of the suit, to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

has instituted a suit against you for you are hereby summoned to appear in this Court in person or by a duly authorized pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions, on

the day of

19 , at o'clock in the forenoon, to

answer the above-named plaintiff; and you are hereby required to notice that, in default of your appearance

on the day before-mentioned, the issues will be settled in your absence; and you will bring with you, or send by your pleader, , which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court, this

day of

19 .

L. S.

Judge.

NOTE.—If written statements are required, say—You are (or such a party is, as the case may be) required to put in a written statement by the day of

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—continued.

No. 119.

SUMMONS TO APPEAR.

Section 68 of the Code of Civil Procedure, 190 .

No. of Suit.

IN THE COURT OF

AT

Plaintiff.

Defendant.

To

(Name, description and address.)

WHEREAS [here enter the name, description and address of the plaintiff] has instituted a suit in this Court against you [here state the particulars of the claim as in the register]: you are hereby summoned to appear in this Court in person on the _____ day of _____ at _____ at the hour of [if not specially required to appear in person, state—"in person or by a pleader of the Court duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions"] to answer the above-named plaintiff [if the summons be for the final disposal of the suit, this further direction shall be added here: "and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all your witnesses on that day"]; and you are hereby required to take notice that, in default of your appearance on the day and at the hour before-mentioned, the suit will be heard and determined in your absence; and you will bring with you (or send by your agent) [here mention any document the production of which may be required by the plaintiff], which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court, this _____ day of _____ 19 _____.

L. S.

Judge.

No. 120.

ORDER FOR TRANSMISSION OF SUMMONS FOR SERVICE IN THE JURISDICTION OF ANOTHER COURT

Section 85 of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No. _____

of 19 _____.

A. B. of

against

C. D. of

The

day of

19 _____.

WHEREAS it is stated in the plaint that _____, the defendant in the above suit, is at present residing in _____, but that the right to sue accrued within the jurisdiction of this Court: it is ordered that a summons returnable on the _____ day of _____ 19 _____ be forwarded to [or delivered to the plaintiff for presentation in] the Court of _____ for service on the said defendant, with a duplicate of this proceeding.

L. S.

Judge.

No. 121.

TO ACCOMPANY RETURNS OF SUMMONS OF ANOTHER COURT.

Section 85 of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No. _____

of 19 _____.

The

day of

19 _____.

A. B. of

against

C. D.

Read the proceeding from the plaintiff for presentation in this Court] in _____ civil

forwarding [or delivering to the _____ for service on _____ of that Court.

V Z

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

Read Bailiff's endorsement on the back of the process stating that the
and proof of the above having been duly taken by me on the [oath *or*] affirmation of
and it is ordered that the
be returned to the with a copy of this proceeding.

L. S.

Judge.

NOTE.—This form will be applicable to process other than summons, the service of which may have to be effected in the same manner.

No. 122.

DEFENDANT'S STATEMENT.

Section 110 of the Code of Civil Procedure, 190 .

(*Title.*)

I, the undersigned defendant [*or one of the defendants*], disclaim all interest under the will of the said *E. F.* in the plaint, named [*or, as heir-at-law, or, as next-of-kin, or, one of the next-of-kin, of E. F., deceased, in the said plaint named*].

Or, I, the undersigned defendant, state that I admit [or deny] [her: repeat in the language of the plaint the statements admitted or denied].

Or, I, the undersigned defendant, submit that, upon the facts stated in the plaint, it does not appear that there is any agreement which can be legally enforced [or, that it appears upon the said plaint that I am jointly liable with one E. F., who is not a party to the suit, and not severally liable as by the plaint appears, or, that it appears by the said plaint that G. H. should have been a joint-plaintiff with the said A. B. in the said suit, or as the case may be].

Or, that the plaintiff has conveyed his interest in the said mortgage [or right to redeem] to one I. J., [or, that I have conveyed or assigned to H. L. by way of further charge for securing the sum of Rs. the right to redeem in the property sought by the suit to be foreclosed].

Or, that since the dissolution of the partnership the plaintiff has executed an instrument, whereby the plaintiff covenants to discharge all debts and liabilities of the partnership, and generally to release me from all claims and liabilities either by or to himself and others in respect of the said partnership-trading [or as the case may be].

2 [Where the defendant intends to rely upon documents in his possession or power as essential to his case] The documentary evidence of every description which is in my possession or power and upon which I intend to rely as essential to my case is as follows, namely [*describe the documents*].

Signed C. D.,

Defendant.

No. 123.

INTERROGATORIES.

Section 121 of the Code of Civil Procedure, 190 .

IN THE COURT OF AT

Civil Suit, No. of 19

A. B.

against

C. D., E. F. and G. H.

Interrogatories on behalf of the above-named A. B. [*or C. D.*] for the examination of the above-named E. F. and G. H. [*or A. B.*]

1. Did not, &c.

2. Has not, &c.

The defendant E. F. is required to answer the interrogatories numbered

The defendant G. H. is required to answer the interrogatories numbered

No. 124.

FORM OF NOTICE TO PRODUCE DOCUMENTS.

Section 131 of the Code of Civil Procedure, 190 .

IN THE COURT OF AT

Civil Suit, No. of 19

A. B.

against

C. D.

Take notice that the plaintiff [*or defendant*] requires you to produce for his inspection the following documents referred to in your plaint [*or written statement, or affidavit*], dated the day of 19

Describe documents required.

X. Y., Pleader for the plaintiff [*or the defendant*].

To Z.,

Pleader for the defendant [*or plaintiff*].

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

No. 125.

SUMMONS TO ATTEND AND GIVE EVIDENCE.

Sections 159 and 163 of the Code of Civil Procedure, 190 .

(Title.)

To

WHEREAS your attendance is required to
on behalf of the in the above cause, you are hereby required [personally
to appear before this Court] on the day of
19 , at the hour of [and] to bring with you or to send to this
Court

A sum of Rs. , being your travelling and other expenses and subsistence-allowance
for one day, is herewith sent. If you fail to comply with this order without lawful excuse, you will be
subject to the consequences of non-attendance laid down in sections 168 and 169 of the Code of Civil
Procedure, 190 .

NOTICE—(1) If you are summoned only to produce a document and not to give evidence, you shall be
deemed to have complied with the summons if you cause such document to be produced in this Court on
the day and hour aforesaid.

(2) If you are to be detained beyond the day aforesaid, a sum of Rs.
will be tendered to you for each day's attendance beyond the day specified.

GIVEN under my hand and the seal of the Court, this

day of 19 .

L S.

Judge.

No. 126.

Another Form.

No. of Suit.

IN THE COURT OF

AT

Plaintiff.

Defendant.

To

[Name, description and address.]

You are hereby summoned to appear in this Court in person on the
day of at 19 , at the hour of , to give evidence on behalf of the
plaintiff [or the defendant] in the above-mentioned suit, and to produce [here describe with convenient
certainty any document the production of which may be required. If the summons be only to give evidence,
or if it be only to produce a document, it must be expressed accordingly], and you are not to depart thence
until you have been examined [or have produced the document] and the Court has risen, or unless you have
obtained the leave of the Court.

FORMS OF DECREES.

No. 127.

SIMPLE MONEY-DECREE.

(Title.)

Claim for

THIS cause coming on for final disposal before
in the presence of on the part of the plaintiff, and
on the part of the defendant, it is ordered that the
do pay to the sum of Rs. , with
interest thereon at the rate of per cent. per from
to the date of realization of the said sum, and do also pay to the
the costs of this suit as taxed by the officer of the Court, with interest
thereon at the rate aforesaid from the date of taxation to the date of realization.

V Z 2

The Code of Civil Procedure, 190 .

(The Third Schedule.)

THE THIRD SCHEDULE—continued.

Costs of suit.

PLAINTIFF.				DEFENDANT.			
	Rs.	A.	P.		Rs.	A.	P.
1. Stamp for plaint . . .				Stamp for power . . .			
2. Do. for power . . .				Do. petition . . .			
3. Do. for exhibits . . .				Pleader's fee . . .			
4. Pleader's fees on Rs. . .				Subsistence for witnesses . . .			
5. Translation-fee . . .				Service of process . . .			
6. Subsistence for witness for attendance . . .				Translation-fee . . .			
7. Commissioner's fee . . .				Commissioner's fee . . .			
8. Service of process . . .							
TOTAL .				TOTAL .			

GIVEN under my hand and the seal of the Court, this

day of

10 .

L. S.

Judges.

No. 128.

DECREE FOR SALE IN A SUIT BY A MORTGAGEE OR PERSON ENTITLED TO A LIEN.

(Title.)

It is ordered that it be referred to the Registrar [or Taxing Officer] to take an account of what is due to the plaintiff for principal and interest on the mortgage [or lien] mentioned in the plaint, and to tax the plaintiff's costs of this suit, and that the Registrar [or Taxing Officer] do declare in Court on the day of _____ what he shall find to be due for principal and interest as aforesaid, and for costs ; And upon the defendant paying into Court what shall be certified to be due to the plaintiff for principal and interest as aforesaid, together with the said costs, within six months from the date of declaring in Court the amount so due, it is ordered that the plaintiff do re-convey the said mortgaged premises free and clear from all incumbrances done by him, or any claiming by, from or under, him, and do deliver up to the defendant or to such person as he appoints all documents in his custody or power relating thereto, and that upon such re-conveyance being made, and documents being delivered up, the Registrar [or Taxing Officer] shall pay out to the plaintiff the said sum so paid in as aforesaid for principal, interest and costs ; but in default of the defendant paying into Court such principal, interest and costs as aforesaid by the time aforesaid, then it is ordered that the said mortgaged premises [or the premises subject to the said lien] be sold with the approbation of the Registrar [or Taxing Officer]. And it is ordered that the proceeds of such sale (after defraying thereout the expenses of the sale) be paid into Court, to the end that the same may be duly applied in payment of what shall be found due to the plaintiff for principal, interest and costs as aforesaid, and that the balance (if any) shall be paid to the defendant or other person entitled to receive the same.

No. 120.

FINAL DECREE FOR FORECLOSURE.

(Title.)

WHEREAS it appears to the Court that the defendant has not paid into Court the sum which was on the day of last declared in Court to be due to the plaintiff for principal and interest upon the mortgage in the plaintiff mentioned, and for costs, pursuant to the order made in this suit on the day of last, and that the period of six months has elapsed since the said day of

It is ordered that the defendant do stand absolutely debarred of all right to redeem the said mortgaged premises.

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

No. 130.

PRELIMINARY DECREE IN AN ADMINISTRATION-SUIT.

Section 213 of the Code of Civil Procedure, 190 .

(Title.)

It is ordered that the following accounts and inquiries be taken and made ; that is to say :—

In creditor's suit—

1. That an account be taken of what is due to the plaintiff and all other the creditors of the deceased.

In suits by legatees—

2. An account be taken of the legacies given by the testator's will.

In suits by next-of-kin—

An inquiry be made and account taken of what, or of what share, if any, the plaintiff is entitled to a next-of-kin [or one of the next-of-kin] of the intestate.

[After the first paragraph, the **Decree** will, where necessary, order, in a creditor's suit, inquiry and accounts for legatees, heirs-at-law and next-of-kin. In suits by claimants other than creditors, after the first paragraph, in all cases, an order to inquire and take an account of creditors will follow the first paragraph and such of the others as may be necessary will follow, omitting the first formal words. The form is continued as in a creditor's suit.]

3. An account of the funeral and testamentary expenses.

4. An account of the moveable property of the deceased come to the hands of the defendant, or to the hands of any other person by his order or for his use.

5. An inquiry what part (if any) of the moveable property of the deceased is outstanding and undisposed of.

6. And it is further ordered that the defendant do, on or before the day of next, pay into Court all sums of money which shall be found to have come to his hands, or to the hands of any person by his order or to his use.

7. And that if the Registrar shall find it necessary for carrying out the objects of the suit to sell any part of the moveable property of the deceased, that the same be sold accordingly, and the proceeds paid into Court.

8. And that Mr. E. F. be Receiver in the suit (or proceeding), and receive and get in all outstanding debts and outstanding moveable property of the deceased, and pay the same into the hands of the Registrar (and shall give security by bond for the due performance of his duties to the amount of rupees).

9. And it is further ordered that if the moveable property of the deceased be found insufficient for carrying out the objects of the suit, then the following further inquiries be made, and accounts taken, that is to say—

(a) an inquiry what immovable property the deceased was seized of or entitled to at the time of his death ;

(b) an inquiry what are the incumbrances (if any) affecting the immovable property of the deceased, or any part thereof ;

(c) an account, so far as possible, of what is due to the several incumbrancers, and to include a statement of the priorities of such of the incumbrancers as shall consent to the sale hereinafter directed.

10. And that the immovable property of the deceased, or so much thereof as shall be necessary to make up the fund in Court sufficient to carry out object of the suit, be sold with the approbation of the Judge, free from incumbrances (if any) of such incumbrancers as shall consent to the sale, and subject to the incumbrances of such of them as shall not consent.

11. And it is ordered that G. H. shall have the conduct of the sale of the immovable property, and shall prepare the conditions and contracts of sale subject to the approval of the Registrar, and that in case any doubt or difficulty shall arise the papers shall be submitted to the Judge to settle.

12. And it is further ordered that, for the purpose of the inquiries hereinbefore directed, the Registrar shall advertise in the newspapers according to the practice of the Court, or shall make such inquiries in any other way which shall appear to the Registrar to give the most useful publicity to such inquiries.

13. And it is ordered that the above inquiries and accounts be made and taken, and that all other acts ordered to be done be completed, before the day of , and that the Registrar do certify the result of the inquiries, and the accounts, and that all other acts ordered are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of

14. And, lastly, it is ordered, that this suit [or matter] stand adjourned for making final decree to the day of

[Such part only of this **Decree** is to be used as is applicable to the particular case.]

No. 131.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE.

Section 213 of the Code of Civil Procedure, 190 .

1. It is ordered that the defendant do, on or before the day of , pay into Court the sum of Rs. , the balance by the said certificate found to be due

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

from the said defendant on account of the estate of _____, the testator
and also the sum of Rs. _____ for interest, at the rate of Rs. _____ per cent. per
annum, from the _____ day of _____ to the _____ day of _____, amounting together
to the sum of Rs. _____

2. Let the Registrar [*or Taxing Officer*] of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said costs, when so taxed, be paid out of the said sum of Rs. _____ ordered to be paid into Court as aforesaid, as follows :—

(a)—The costs of the plaintiff to Mr. _____, his attorney [*or pleader*], and
the costs of the defendant to Mr. _____, his attorney [*or pleader*].

(b)—And (*if any debts are due*) with the residue of the said sum of Rs. _____, after payment of the plaintiff's and defendant's costs as aforesaid, let the sums, found to be owing to the several creditors mentioned in the schedule to the Registrar's certificate, together with subsequent interest on such of the debts as bear interest, be paid ; and, after making such payments, let the amount coming to the several legatees mentioned in the schedule, together with subsequent interest (to be verified as aforesaid), be paid to them.

3. And if there should then be any residue, let the same be paid to the residuary legatee.

PRELIMINARY DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE, WHERE AN EXECUTOR IS HELD PERSONALLY LIABLE FOR THE PAYMENT OF LEGACIES.

Section 213 of the Code of Civil Procedure, 190 .

1. Declare that the defendant is personally liable to pay the legacy of Rs. _____ bequeathed to the plaintiff ;

2. And it is ordered that an account be taken of what is due for principal and interest on the said legacy ;

3. And it is also ordered that the defendant do, within _____ weeks after the date of the Registrar's certificate, pay to the plaintiff the amount of what the Registrar shall certify to be due for principal and interest ;

4. And it is ordered that the defendant do pay the plaintiff his costs of suit, the same to be taxed in case the parties differ.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY NEXT-OF-KIN.

Section 213 of the Code of Civil Procedure, 190 .

1. Let the Registrar of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said plaintiff's costs, when so taxed, be paid by the defendant to the plaintiff out of the sum of Rs. _____, the balance by the said certificate found to be due from the said defendant on account of the personal estate of *E. F.*, the intestate, within one week after the taxation of the said costs by the said Registrar, and let the defendant retain for her own use out of such sum her costs, when taxed.

2. And it is ordered that the residue of the said sum of Rs. _____, after payment of the plaintiff's and defendant's costs as aforesaid, be paid and applied by defendant as follows :—

(a) Let the defendant, within one week after the taxation of the said costs by the Registrar as aforesaid, pay one-third share of the said residue to the plaintiffs *A. B.*, and *C.*, his wife, in her right as the sister and one of the next-of-kin of the said *E. F.*, the intestate.

(b) Let the defendant retain for her own use one other third share of the said residue, as the mother and one other of the next-of-kin of the said *E. F.*, the intestate.

(c) And let the defendant, within one week after the taxation of the said costs by the Registrar as aforesaid, pay the remaining one-third share of the said residue to *G. H.*, as the brother and the other next-of-kin of the said *E. F.*, the intestate.

No. 132.

PRELIMINARY DECREE IN A SUIT FOR DISSOLUTION OF PARTNERSHIP.

Section 215 of the Code of Civil Procedure, 190 .

(*Title.*)

It is declared that the partnership in the plaint mentioned between the plaintiff and defendant ought to stand dissolved as from the _____ day of _____, and it is ordered that the dissolution thereof as from that day be advertised in the _____ Gazette, etc.

And it is ordered that _____ be the Receiver of the partnership-estate and effects in this suit, and do get in all the outstanding book-debts and claims of the partnership.

And it is ordered that the following accounts be taken :—

1. An account of the credits, property and effects now belonging to the said partnership ;
2. An account of the debts and liabilities of the said partnership ;

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

3. An account of all dealings and transactions between the plaintiff and defendant, from the foot of the settled account exhibited in this suit and marked (A), and not disturbing any subsequent settled accounts.

And it is ordered that the goodwill of the business heretofore carried on by the plaintiff and defendant as in the plaint mentioned, and the stock-in-trade, be sold on the premises, and that the Registrar may, on the application of any of the parties, fix a reserved bidding for all or any of the lots at such sale, and that either of the parties is to be at liberty to bid at the sale.

And it is ordered that the above accounts be taken, and all the other acts required to be done be completed, before the day of , and that the Registrar do certify the result of the accounts, and that all other acts are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of .

And, lastly, it is ordered that this suit stand adjourned for making a final decree to the day of .

No. 133.

FINAL DECREE IN A SUIT FOR DISSOLUTION OF PARTNERSHIP.

Section 215 of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No.

A. B. of

against

C. D. of

It is ordered that the fund now in Court, amounting to the sum of Rs. , be applied as follows :—

1. In payment of the debts due by the partnership set forth in the Registrar's certificate, amounting in the whole to Rs. .

2. In payment of the costs of all parties in this suit, amounting to Rs. .

[These costs must be ascertained before the decree is drawn up.]

In payment of the sum of Rs. to the plaintiff as his share of the partnership-assets, of the sum of Rs. , being the residue of the said sum of Rs. now in Court, to the defendant as his share of the partnership-assets.

[Or, And that the remainder of the said sum of Rs. be paid to the said plaintiff [or defendant] in part payment of the sum of Rs. certified to be due to him in respect of the partnership-accounts.

And that the defendant [or plaintiff] do on or before the day of pay to the plaintiff [or defendant] the sum of Rs. being the balance of the said sum of Rs. due to him, which will then remain due.

No. 134 .

CERTIFICATE OF NON-SATISFACTION OF DECREE.

Section 224 of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No.

of 19 .

A. B. of

against

C. D. of

CERTIFIED that no [or partial, as the case may be, and if partial, state to what extent] satisfaction of the decree of this Court, in Civil Suit No. of 19 , a copy of which is hereunto attached, has been obtained by execution within the jurisdiction of this Court.

GIVEN under my hand and the seal of the Court, this

day of

19 .

L S.

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

No. 135.

NOTICE TO SHOW CAUSE WHY EXECUTION SHOULD NOT ISSUE.

Section 248 of the Code of Civil Procedure, 190 .

IN THE COURT OF AT
Civil Suit, No. of 19 .
Miscellaneous, No. of 10 .

A. B. of
against
C. D. of

To

WHEREAS

has made application to this Court for execution of decree in Civil Suit No. _____, 19____, this is to give you notice that you are to appear before this Court on the _____ day of _____, 19____ at the _____ hour of _____, either in person, or by a pleader of this Court, or agent duly authorized and instructed, to show cause, if any, why execution should not be granted.

GIVEN under my hand and the seal of the Court, this day of 19 .

L.S.

Judge.

No. 136.

**WARRANT OF ATTACHMENT OF MOVEABLE PROPERTY IN DEFENDANT'S POSSESSION IN EXECUTION OF
DECREE FOR MONEY.**

Section 254 of the Code of Civil Procedure, 190 .

(Title.)

TO THE BAILIFF OF THE COURT.

WHEREAS _____ was ordered, by decree of this Court passed on the _____ day of _____ 19____, in Suit No. _____ of _____ 19____, to pay to the plaintiff the sum of Rs. _____ as noted in the margin; and whereas the said sum of Rs. _____ has not been paid.

DECEAS.					
Principal	.	.	.		
Interest	.	.	.		
Costs	.	.	.		
Costs of decree	.	.	.		
Interest thereon	.	.	.		
Total of attachment	.	.	.		
TOTAL				.	

THESE ARE TO COMMAND YOU to attach the
moveable property of the said _____ as set
forth in the list hereunto annexed, or which shall be
pointed out to you by the said _____, and unless the
said _____ shall pay to you the said sum of Rs.
together with Rs. _____
the costs of this attachment, to hold the same until
further orders from this Court.

YOU ARE FURTHER COMMANDED to return this Warrant on or before the
day of _____ 19____, with an endorsement certifying the date and manner in which
it has been executed, or why it has not been executed.

GIVEN under my hand and the seal of the Court, this _____ day of _____ 19____

Schedule.

L. S.

Fudge.

No. 137.

WARRANT TO THE BAILIFF TO GIVE POSSESSION OF LAND, &c.

Section 263 of the Code of Civil Procedure, 1908.

(Title.)

TO THE BAILIFF OF THE COURT.

WHEREAS _____ in the occupancy of _____, the plaintiff in this suit : you are hereby directed to put the said _____ in possession of the same, and you are hereby authorized to remove any person bound by the decree who may refuse to vacate the same.

GIVEN under my hand and the seal of the Court, this _____ day of _____, 19____.

L. S.

Fudge.

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—*continued.*

No. 138.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVEABLE PROPERTY other than a debt or property deposited in or in the custody of any Court TO WHICH THE DEFENDANT IS ENTITLED SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSON TO THE IMMEDIATE POSSESSION THEREOF.

Section 268 of the Code of Civil Procedure, 190 .
(Title.)

To

WHEREAS
has failed to satisfy a decree passed against _____ on the _____ day of _____ 19____, in favour of _____ for Rs. _____; it is ordered that the defendant be, and is hereby, prohibited and restrained, until the further order of this Court, from receiving from _____ the following property, in the possession of the said _____, that is to say, _____, to which the defendant is entitled, subject to any claim of the said _____, and the said _____ is hereby prohibited and restrained, until the further order of this Court, from delivering the said property to any person or persons whomsoever.

GIVEN under my hand and the seal of the Court this _____ day of _____

L. S.

Judge.

No. 139.

[New.]

ATTACHMENT IN EXECUTION.

GARNISHEE ORDER ATTACHING DEBT.

Section 268A of the Code of Civil Procedure, 190 .

In the Court of _____, at _____

Civil Suit, No. _____ of 19 ____.

A.B. of _____ Decree-holder,

against _____

. . of _____

Garnishee.

Upon hearing _____ and upon reading the affidavit of _____, filed the _____ day of _____, 19____, and _____;

It is ordered that all debts owing or accruing due from the above-named garnishee to the above-named judgment-debtor be attached to answer a decree passed against the said judgment-debtor in favour of the above-named decree-holder in the Court of _____ on the _____ day of _____ 19____, for the sum of Rs. _____, on which decree the sum of Rs. _____ remains due, and unpaid.

And it is further ordered that the said garnishee attend this Court, on the _____ day of _____, 19____, at the hour of _____, on an application by the said decree-holder, that the said garnishee pay the debt due from him to the said judgment-debtor, or so much thereof as may be sufficient to satisfy the decree.

GIVEN under my hand and the seal of the Court this _____ day of _____ 19____.

L. S.

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

No. 140.

[New.]

ATTACHMENT IN EXECUTION.

GARNISHEE ORDER ABSOLUTE.

Section 268B, sub-section (2), of the Code of Civil Procedure, 190 .

[Heading as in No. 139.]

Upon hearing the decree-holder and the garnishee and upon reading the affidavit of , filed the day of 19 , and the order made herein, dated the day of 19 , whereby it was ordered that all debts owing or accruing due from the above-named garnishee to the above-named judgment-debtor should be attached to answer a decree passed against the said judgment-debtor in favour of the above-named decree-holder in the Court of on the day of 19 for the sum of Rs. , on which decree the sum of Rs. remained due and unpaid ;

It is ordered that the said garnishee do forthwith pay the said decree-holder Rs. , the debt due from him to the said judgment-debtor (or so much thereof as may be sufficient to satisfy the decree), and that in default thereof execution may issue for the same (*where costs are given, add* and that the costs of this order be added to the decree passed against the said judgment-debtor in favour of the said decree-holder).

Given under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

No. 140A.

[New.]

ATTACHMENT IN EXECUTION.

ORDER TO SHOW CAUSE WHY STOCK SHOULD NOT BE CHARGED.

Section 268E of the Code of Civil Procedure, 190 .

In the Court of , at

Civil Suit, No. of 19 .

A. B. of Decree-holder,

against

C. D. of Judgment-debtor.

Upon hearing and upon reading the affidavit of , filed the day of 19 , whereby it appears that a decree was passed in favour of the above-named decree-holder against the said judgment-debtor in the Court of on the day of 19 , for the sum of Rs. , on which decree the sum of Rs. remains due and unpaid, and there is standing in ;

It is ordered that unless sufficient cause be shown to the contrary before this Court on the day of 19 , at the hour of , the said judgment-debtor's interest in the so standing as aforesaid shall, and that it in the meantime do, stand charged with the payment of the above-mentioned amount due on the said decree.

Given under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

No. 140B.

[New.]

ATTACHMENT IN EXECUTION.

CHARGING ORDER ABSOLUTE.

Section 268E of the Code of Civil Procedure, 190

In the Court of , at

Civil Suit, No. of 19 .

A. B. of *Decree-holder,*

against

C. D. of *Judgment-debtor.*

Upon hearing and upon reading the affidavit of , filed the day of , 19 , and an order to show cause made herein on the day of 19 , reciting the affidavit of , whereby it appeared that a decree was passed in favour of the above-named decree-holder against the above-named judgment-debtor on the day of , 19 , for the sum of Rs. , on which decree the sum of Rs. remains due and unpaid, and that there is standing in ;

It is ordered that the said judgment-debtor's interest in the so standing as aforesaid stand charged with the payment of the above-mentioned amount due on the said decree.

Given under my hand and the seal of the Court this 19 ,

day of

L. S.

Judge.

No. 141.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVEABLE PROPERTY.

Section 274 of the Code of Civil Procedure, 190 .

(*Title.*)

To

Defendant:

WHEREAS you have failed to satisfy a decree passed against you on the day of 19 , in Civil Suit, No. of 19 , in favour of , for Rs. : it is ordered that you, the said , be, and you are hereby, prohibited and restrained, for the period of , from alienating the property specified in the schedule hereunto annexed, by sale, gift or otherwise, and that all persons be, and that they are hereby, prohibited for the said period from receiving the same by purchase, gift or otherwise.

GIVEN under my hand and the seal of the Court, this day of 19 .

Schedule.

L. S.

Judge.

*The Code of Civil Procedure, 190 .**(The Third Schedule.)*THE THIRD SCHEDULE—*continued.*

No. 142.

ATTACHMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY OR OF ANY SECURITY IN THE HANDS OF A COURT OF JUSTICE OR OFFICER OF GOVERNMENT.

Sections 272 and 485, sub-section (7), of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No.

of 19 .

A. B. of

against

C. D. of

To

SIR,

The plaintiff having applied, under section of the Code of Civil Procedure, 190 , for an attachment of certain money now in your hands (*here state how the money is supposed to be in the hands of the person addressed, on what account, etc.*), I request that you will hold the said money subject to the further order of this Court.

I have the honour to be,

SIR,

Your most obedient Servant,

L. S.

Judge.

Dated the

day of

19 .

No. 143.

ORDER FOR PAYMENT TO THE PLAINTIFF, ETC., OF MONEY, ETC., IN THE HANDS OF A THIRD

Section 277 of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No.

of 19 .

Miscellaneous, No.

of 19 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT AND TO

WHEREAS the following property has been attached in execution of a decree in Civil Suit, No. of 19 , passed on the day of 19 , in favour of , for Rs. : it is ordered that the property so attached, consisting of Rs. in money, and Rs. in currency-notes, or a sufficient part thereof to satisfy the said decree, shall be paid over by you, the said and that the said property, so far as may be necessary for the satisfaction of the said decree, shall be sold by you, the Bailiff of the Court, by public auction in the manner prescribed for sale in execution of decrees, and that the money which may be realized by such sale, or a sufficient part thereof to satisfy the said decree, shall be paid over to the said and the remainder, if any, shall be paid to you, the said

GIVEN under my hand and the seal of the Court, this

day of

19

L. S.

Judge.

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

No. 144.

NOTICE TO ATTACHING CREDITOR.

Section 278 of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No.

of 19 .

Miscellaneous, No.

of 19 .

A. B. of

against

C. D. of

WHEREAS
removal of attachment on
execution of the decree in Civil Suit, No.
appear before this Court on
day of , 19 . at the hour of
duly instructed, to support your claim, as attaching creditor.

has made application to this Court for the
placed at your instance in
of 19 , this is to give you notice to
either in person or by a pleader of the Court

GIVEN under my hand and the seal of the Court, this

day of

19

L. S.

Judge.

No. 145.

WARRANT OF SALE OF PROPERTY IN EXECUTION OF A DECREE FOR MONEY.

Section 287 of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No.

of 19 .

Miscellaneous, No.

of 19 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

THESE ARE TO COMMAND YOU to sell by auction after giving
previous notice, by affixing the same in this Court-house, and after making due proclamation,* the
under a warrant from this Court dated the
19 , in execution of a decree in favour of in
of 19 , or so much of the said property as shall realize the sum of Rs.
of the said decree and costs still remaining unsatisfied.

YOU ARE FURTHER COMMANDED to return this warrant on or before the
19 , with an endorsement certifying the manner in which it has been executed, or the reason why it has
not been executed.

GIVEN under my hand and the seal of the Court, this

day

19 .

L. S.

Judge.

* This proclamation shall specify the time, the place of sale, the property to be sold, the revenue assessed should the property consist of land paying revenue to Government, and the amount for the recovery of which the sale is ordered, and as fairly and accurately as possible the other particulars required by section 287 to be specified.

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—continued.

No. 146.

NOTICE TO PERSON IN POSSESSION OF MOVEABLE PROPERTY SOLD IN EXECUTION.

Section 299, sub-section (2), of the Code of Civil Procedure, 190 .

IN THE COURT OF
Civil Suit, No.

AT
of 19

A. B. of
against
C. D. of

To

WHEREAS

has been the purchaser at a sale by auction in execution of the decree in the above suit of
now in your possession, you are hereby prohibited
from delivering possession of the said
to any person except the said

GIVEN under my hand and the seal of the Court, this day of

L. S.

Judge.

No. 147.

PROHIBITORY ORDER AGAINST PAYMENT OF DEBTS SOLD IN EXECUTION TO ANY OTHER THAN THE PURCHASER.

Section 299, sub-section (3), of the Code of Civil Procedure, 190 .

IN THE COURT OF
Civil Suit, No.

AT
of 19

A. B. of
against
C. D. of

To

WHEREAS

has
become the purchaser at a public sale in execution of the decree in the above suit of
certain debt
due from you to you
is to say , it is ordered that you
are hereby, prohibited from receiving, and you that
said debt to any person or persons except the said be, and you
from making payment of, the

GIVEN under my hand and the seal of the Court, this day of 19

L. S.

Judge.

No. 148.

PROHIBITORY ORDER AGAINST THE TRANSFER OF STOCK SOLD IN EXECUTION.

Section 299, sub-section (3), of the Code of Civil Procedure, 190 .

IN THE COURT OF

Civil Suit, No.

AT
of 19

A. B. of
against
C. D. of

To

and

, Manager of

Company.

WHEREAS
has become the purchaser at a public sale in execution of the
decree, in the above suit, of certain shares in the above company, that is to say, of

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

standing in the name of you
it is ordered that you
be, and you are hereby, prohibited from making any transfer of the said shares to any
person except the said , the purchaser aforesaid, or from receiving any dividends thereon;
and you
Manager of the said Company, from permitting any such transfer or making any such payment to any
person except the said , the
purchaser aforesaid.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 149.
Omitted.

No. 150.
CERTIFICATE OF SALE OF LAND.

Section 316 of the Code of Civil Procedure, 190 .

IN THE COURT OF AT
Civil Suit, No. of 19 .
A. B. of
against
C. D. of

THIS is to certify that has been declared the purchaser
sale by public auction on the day of 19 , of
that the said sale has become absolute. in execution of decree in this suit, &c.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 151.

ORDER FOR DELIVERY TO CERTIFIED PURCHASER OF LAND AT A SALE IN EXECUTION.

Section 318 of the Code of Civil Procedure, 190 .

IN THE COURT OF AT
Civil Suit, No. of 19 .
A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS has become the certified purchaser of
at a sale in execution of the decree in Civil Suit, No. of 19 ; and whereat
such land is in the possession of , you are hereby ordered to put
the said , the certified purchaser, as aforesaid, into possession of
the , and, if need be, to remove any person who may refuse to vacate the same.
GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

19 ., with an endorsement certifying the day and manner in which it has been executed, or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 155.

NOTICE OF PAYMENT INTO COURT.

Section 376, sub-section (2), of the Code of Civil Procedure, 190 .

IN THE COURT OF

B. No. .

19 .

A. B. v. C. D.

TAKE notice that the defendant has paid into Court Rs. , and says that that sum is enough to satisfy the plaintiff's claim [or the plaintiff's claim for, etc.]

To Mr. X. Z.,
the Plaintiff's Pleader.

Z.,

Defendant's Pleader.

No. 156.

COMMISSION TO EXAMINE ABSENT WITNESSES.

Section 386 of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No. of 19 .

A. B. of
against
C. D. of

To

WHEREAS the evidence of is required by the in the above suit ; and whereas you are requested to take the examination on interrogatories [or vivâ voce] of such witnesses and you are hereby appointed a Commissioner for that purpose, and you are further requested to make return of such examination so soon as it may be taken [process to require the attendance of the witness will be issued by the Court having local jurisdiction on your application].*

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

* Not necessary where the commission goes to another Court.

No. 157.

COMMISSION FOR A LOCAL INVESTIGATION, OR TO EXAMINE ACCOUNTS.

Sections 392 and 394 of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No. of 19 .

A. B. of
against
C. D. of

To

WHEREAS it is deemed requisite, for the purpose of this suit, that a commission for should be issued ; you are hereby appointed Commissioner for the purpose of [process to compel the attendance before you of any witnesses, or for the production of any documents which you

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

may desire to examine or inspect, will be issued by the Court having local jurisdiction on your application].*

A sum of Rs. , being your fee in the above, is herewith forwarded.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

* Not necessary where the commission goes to another Court.

No. 157A.

NOTICE TO MINOR DEFENDANT.

Section 443, sub-sections (3) and (4), of the Code of Civil Procedure, 190 .

In the Court of District
Civil Suit, No. of 19 .

A. B. of
against
C. D. of

To

Minor Defendant,

Natural guardian of the said minor defendant [or in whose house the said minor defendant resides or under whose care the said minor defendant is].

Whereas application has been made by the plaintiff in the above suit for the appointment of a guardian for the suit for the minor defendant; you the said minor, and you, , are hereby required to take notice that, unless within days from the service of this notice, an application is made to this Court for the appointment of you, the said , or of some friend of you, the said minor, to be the guardian for the suit, the Court will proceed to appoint some other person to be the guardian for the suit for the said minor.

Given under my hand and the seal of this Court, this day of 19 .

L. S.

Judge.

No. 158.

WARRANT OF ARREST BEFORE JUDGMENT.

Section 477, sub-section (2), of the Code of Civil Procedure, 190 .

IN THE COURT OF AT .
Civil Suit, No. of 19 .

A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS , the plaintiff in the above suit, has proved the satisfaction of the Court that there is probable cause for believing that the defendant is about to , THESE ARE TO COMMAND YOU to take the said into custody, and to bring before Court, in order that he may show cause why he should not furnish security to the amount of rupees for personal appearance before the Court, until such time as the said suit shall fully and finally disposed of, and until execution or satisfaction of any decree that may be passed against him in the suit.

GIVEN under my hand and the seal of the Court, this day of 19 .

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—continued.

No. 159.

ORDER FOR COMMITTAL.

Section 481 of the Code of Civil Procedure, 190 .

IN THE COURT OF AT
Civil Suit, No. of 19 .
A. B. of
against
C. D. of

To **WHEREAS** _____, plaintiff in this suit, has made application to the Court that security be taken for the appearance of the _____ defendant _____ to answer any judgment that may be passed against _____ in the suit; and whereas the Court has called upon the defendant to furnish such security, or to offer a sufficient deposit in lieu of security, which _____ has failed to do; it is ordered that the said defendant _____ be committed to **prison** until the decision of the suit; or, if judgment be **delivered** against _____ until the execution of the decree.

GIVEN under my hand and the seal of the Court, this day of 19 .

L.S.

Judge.

No. 164.

ATTACHMENT BEFORE JUDGMENT, WITH ORDER TO CALL FOR SECURITY FOR FULFILMENT OF DECREE.

Section 483, sub-section (3), of the Code of Civil Procedure, 1908.

IN THE COURT OF

Civil Suit, No.

AT

A. B. of
against
C. D. of

.

of 19

TO THE BAILIFF OF THE COURT.

WHEREAS _____ has proved to the satisfaction of the Court that the defendant in the above suit _____, THESE ARE TO COMMAND YOU to call upon the said defendant _____ on or before the _____ day of _____ either to furnish security for the sum of rupees _____ to produce and place at the disposal of this Court when required _____ or the value thereof, or such portion of the value as may be sufficient to fulfil any decree that may be passed against _____, or to appear, and show cause why _____ should not furnish security; and you are further ordered to attach the said _____ and keep the same under safe and secure custody until the further order of the Court, and in what manner you shall have executed this warrant make appear to the Court immediately after the execution hereof, and have you here then this warrant.

GIVEN under my hand and the seal of the Court, this day of 19

L. S.

Judge.

No. 161.

ATTACHMENT BEFORE JUDGMENT, ON PROOF OF FAILURE TO FURNISH SECURITY.

Section 483, sub-section (5), of the Code of Civil Procedure, 190 .

IN THE COURT OF
Civil Suit, No
A. B. of
against
C. D. of
AT
of 19

TO THE BAILIFF OF THE COURT:

WHEREAS, the plaintiff in this suit, has applied to the Court to call upon the defendant, to furnish security to fulfil any decree that may be passed against in the suit, and whereas the Court has called upon the said to furnish such security, which has failed

The Code of Civil Procedure, 19.
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

to do; THESE ARE TO COMMAND YOU to attach the property
of the said and keep the same under safe and secure
custody until the further order of the Court, and in what manner you shall have executed this warrant make
appear to this Court immediately after the execution hereof, and have you here then this warrant.
GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 162.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVEABLE PROPERTY, TO
WHICH THE DEFENDANT IS ENTITLED, SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSONS TO
THE IMMEDIATE POSSESSION THEREOF.

Section 483, sub-section (7), of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No.

of 19 .

A. B. of

against

C. D. of

To

Defendant.

It is ordered that you, the said , be, and you are hereby
prohibited and restrained, for the period of , from receiving from
the following property in the possession of the said
that is to say, , to which the defendant is entitled, subject to any claim,
of the said and the said is hereby prohibited
and restrained, for the said period, from delivering the said property to any persons whomsoever.

GIVEN under my hand and seal of the Court, this day of

19 .

L. S.

Judge.

No. 163.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVABLE PROPERTY.

Section 483, sub-section (7), of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No.

of 19 .

A. B. of

against

C. D. of

To

Defendant.

It is ordered that you, the said , be, and you are hereby prohibited and
restrained, for the period of , from alienating the property specified in the schedule
hereunto annexed, by sale, gift or otherwise, and that all persons be, and that they are hereby, prohibited
and restrained, for the said period, from receiving the same by purchase, gift or otherwise.

GIVEN under my hand and the seal of the Court, this

day of

19 .

Schedule.

L. S.

Judge.

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—*continued.*

No. 164.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY IN THE HANDS OF OTHER PERSONS, OR OF DEBTS NOT BEING NEGOTIABLE INSTRUMENTS.

Section 483, sub-section (7), of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No.

of 19 .

A. B. of

against

C. D. of

To

It is ordered that the defendant hereby, prohibited and restrained, for the period of , from receiving from be, and he is the [money now in belonging to the said defendant or debts, as the case may be, describing them] and that the said hands be, and hereby, prohibited and restrained, for the said period, from making payment of the said [money, &c.], or any part thereof, to any person whomsoever. GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 165.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF SHARES IN A PUBLIC COMPANY, &c.

Section 483, sub-section (7), of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

Civil Suit, No.

of 19 .

A. B. of

against

C. D. of

To

, Manager of

Defendant, and to

Company.

It is ordered that

, the defendant, be, and hereby, prohibited and restrained, for the period of from making any transfer of shares, being in the aforesaid Company, or from receiving payment of any dividends thereof, and you , Manager of the said Company, are hereby prohibited and restrained, for the said period, from permitting any such transfer, or making any such payment.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 166.

TEMPORARY INJUNCTIONS.

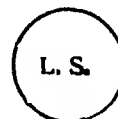
Section 492 of the Code of Civil Procedure, 190 .

UPON motion made unto this Court by , Pleader of [or Counsel ...] plaintiff A. B., and upon reading the petition of the said plaintiff in this matter filed [this day] [or the plaint filed in this cause on the day of , or the written statement of the said plaintiff filed on the day of] and upon hearing the evidence of and the evidence of in support thereof, [if after notice and defendant not appearing : add, and also as to service of notice of this motion

*The Code of Civil Procedure, 190 .**(The Third Schedule.) .*THE THIRD SCHEDULE—*continued.*

upon the defendant, *C. D.*] This Court doth order that an injunction be awarded to restrain the defendant, *C. D.*, his servants, workmen and agents, from pulling down, or suffering to be pulled down, the house in the plaint in the said suit of the plaintiff mentioned [or in the written statement, or petition, of the plaintiff and evidence at the hearing of this motion mentioned] being No. 9, Oilmongers Street, Hindupur, in the Taluk of _____, and from selling the materials whereof the said house is composed, until the hearing of this cause or until the further order of this Court.

Dated this _____ day of _____ 19 .



Judge

[Where the injunction is sought to restrain the negotiation of a note or bill, the ordering part of the order may run thus:—]
restrain the defendants _____ and _____ from
parting with out of the custody of them or any of them or endorsing, assigning or negotiating the promissory note [or bill of exchange] in question, dated on or about the _____, &c., mentioned in the plaintiff's plaint [or petition] and the evidence heard at this motion until the hearing of this cause, or until the further order of this Court.

[In Copyright cases] _____ to restrain the defendant, *C. D.*, his servants, agents or workmen, from printing, publishing or vending a book, called _____, or any part thereof until the, &c.

[Where part only of a book is to be restrained] _____ to restrain the defendant, *C. D.*, his servants, agents or workmen, from printing, publishing, selling or otherwise disposing of such parts of the book in the plaint [or petition and evidence, &c.] mentioned to have been published by the defendant as hereinafter specified, namely, that part of the said book which is entitled _____ and _____ also that part which is entitled _____
[or which is contained in page _____ to page _____ both inclusive] until the _____, &c.

[In Patent cases] _____ to restrain the defendant, *C. D.*, his agents, servants and workmen, from making or vending any perforated bricks or as the case may be upon the principle of the inventions in the plaintiff's plaint [or petition, &c., or written statement, &c.] mentioned, belonging to the plaintiffs, or either of them, during the remainder of the respective terms of the patents in the plaintiff's plaint [or as the case may be] mentioned, and from counterfeiting, imitating or resembling the same inventions, or either of them, or making any addition thereto, or subtraction therefrom, until the hearing, &c.

[In cases of Trade marks] _____ to restrain the defendant, *C. D.*, his servants, agents or workmen, from selling, or exposing for sale, or procuring to be sold, any composition or blacking [or as the case may be] described as or purporting to be blacking manufactured by the plaintiff, *A. B.*, in bottles having affixed thereto such labels as in the plaintiff's plaint [or petition, &c.] mentioned, or any other labels so contrived or expressed as by colourable imitation or otherwise, to represent the composition or blacking sold by the defendant to be the same as the composition or blacking manufactured and sold by the plaintiff, *A. B.*, and from using trade-cards so contrived or expressed as to represent that any composition or blacking sold or proposed to be sold by the defendant is the same as the composition or blacking manufactured or sold by the plaintiff, *A. B.*, until the, &c.

[To restrain a partner from in any way interfering in the business] _____ to restrain the defendant, *C. D.*, his agents and servants, from entering into any contract, and from accepting, drawing, endorsing or negotiating any bill of exchange, note or written security in the name of the partnership-firm of *B. & D.*, and from contracting any debt, buying and selling any goods, and from making or entering into any verbal or written promise, agreement or undertaking, and from doing or causing to be done, any act, in the name or on the credit of the said partnership-firm of *B. & D.*, or whereby the said partnership-firm can or may in any manner become or be made liable to or for the payment of any sum of money, or for the performance of any contract, promise or undertaking until the, &c.

No. 167.

NOTICE OF APPLICATION FOR INJUNCTION.

Section 494 of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

A. B. of
against
C. D. of

TAKE notice that I, *A. B.*, intend to apply at the sitting of the Court at _____ afore-said, on the _____ day of _____, for an injunction to restrain *C. D.* from further prosecuting a suit which he has commenced against me in _____, to recover damages

The Code of Civil Procedure, 190 .
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

for the breach of the contract for the specific performance of which this suit was commenced [or to restrain him from receiving and giving discharges for any of the debts due to the partnership in the matter of the partnership between us for the winding-up of which the suit was commenced, or from digging the turf from the land which was agreed to be sold by him to me by the agreement, the specific performance of which this suit is commenced to enforce, or as the case may be].

Dated this day of 19 .
To C. D.

A. B.

[N.B.—Where the injunction is to be applied for against a party whose name and address do not appear upon any proceeding already filed in the suit, such name and address must be stated in full to enable the proper officer to serve the notice.]

No. 168.

APPOINTMENT OF A RECEIVER.

Section 503 of the Code of Civil Procedure, 190 .

IN THE COURT OF AT
Civil Suit, No. of 19 .

A. B. of
against
C. D. of

To

WHEREAS has been attached in execution of a decree passed in the above suit on the day of 19 , in favour of ; you are hereby (subject to your giving security to the satisfaction of the Registrar) appointed Receiver of the said property under section 503 of the Code of Civil Procedure, with full powers under the provisions of that section.

You are required to render a due and proper account of your receipts and disbursements in respect of the said property on . You will be entitled to remuneration at the rate of per cent. upon your receipts under the authority of this appointment.

GIVEN under my hand and the seal of the Court, this day of 19

L. S.

Judge.

No. 169.

BOND TO BE GIVEN BY RECEIVER.

Section 503 of the Code of Civil Procedure, 190 .

IN THE COURT OF AT
Civil Suit, No. of .

A. B. of
against
C. D. of

Know all men by these presents, that we, I. J. of, &c., and K. L. of, &c., and M. N. of, &c. are jointly and severally bound to G. H., Registrar of the Court of in Rs. to be paid to the said G. H. or his attorney, executors, administrators or assigns. For which payment to be made we bind ourselves, and each of us, in the whole, our and each of our heirs, executors and administrators, jointly and severally, by these presents.

Dated this day of 19 .

And whereas a plaint has been filed in this Court by A. B. against C. D. for the purpose of [*here insert the object of suit*].

And whereas the said I. J. has been appointed, by order of the above-mentioned Court, to receive the rents and profits of the immoveable property and to get in the outstanding moveable property of O. P., the testator in the said plaint named.

Now the condition of this obligation is such, that if the above-bounden I. J. shall duly account for all and every the sum and sums of money which he shall so receive on account of the rents and profits of the immoveable property, and in respect of the moveable property of the said O. P. [*or, as may be*] at such

The Code of Civil Procedure, 190
(*The Third Schedule.*)

THE THIRD SCHEDULE—*continued.*

periods as the said Court shall appoint, and shall duly pay the balances which shall from time to time be certified to be due from him as the said Court hath directed or shall hereafter direct, then this obligation shall be void, otherwise it shall remain in full force.

I. J.
K. L.
M. N.

Signed and delivered by the above-bounden in the presence of

NOTE.—If deposit of money be made, the memorandum thereof should follow the terms of the condition of the bond.

No. 170.

ORDER OF REFERENCE TO ARBITRATION UNDER AGREEMENT OF PARTIES.

Section 508 of the Code of Civil Procedure, 190 .

(Title.)

To

WHEREAS the above-mentioned plaintiff and defendant have agreed to refer the matters in difference between them in the above suit to your arbitration and award, you are hereby appointed accordingly to determine all the said matters in difference between the parties, and with power, by consent of the parties, to determine which party shall pay the costs of this reference

You are required to deliver your award in writing to this Court on or before the day of 19 , or such other day as this Court may further fix.

Process to compel the attendance before you of any witnesses, or for the production of any documents which you may desire to examine or inspect, will be issued by this Court on your application, and you are empowered to administer to such witnesses oath or affirmation.

A sum of Rs , being your fee in the above suit, is herewith forwarded.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 171.

ORDER OF REFERENCE TO ARBITRATION BY COURT, WITH CONSENT.

Section 508 of the Code of Civil Procedure, 190 .

(Title.)

UPON reading a petition of the plaintiff, filed this day, and on the consent of for the defendant, and upon hearing for the plaintiff and for the defendant, it is ordered, by and with the consent of all the parties, that all matters in difference in this suit, including all dealings and transactions between all parties, be referred to the final determination of

who is to make his award in writing and submit the same to this Court, together with all proceedings, depositions and exhibits in this suit, within one month from the date hereof. And it is ordered further, by and with the like consent, that the said arbitrator is to be at liberty to examine the parties and their witnesses upon oath or affirmation, which he is empowered to administer, and that the said arbitrator shall have all such powers or authorities as are vested in arbitrators under the Code of Civil Procedure, 190 , including therein power to call for all books of account that he may consider necessary. And it is further ordered, by and with the like consent, that the costs of this suit, together with the costs of reference to arbitration, up to and including the award of the said arbitrator, and the enforcement thereof, do abide the result of the finding of the said arbitrator. And it is further ordered, by and with the like consent, that the said arbitrator be at liberty to appoint a competent accountant to assist him in the investigation of the several matters referred to him as aforesaid, and that the remuneration of such accountant and other charges attending hereto be in the discretion of the said arbitrator.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—*continued.*

No. 172.

SUMMONS IN SUMMARY SUIT ON NEGOTIABLE INSTRUMENT.

Section 532 of the Code of Civil Procedure, 190 .

No. OF SUIT.

IN THE COURT OF

AT

Plaintiff.

Defendant.

To

[Here enter the defendant's name, description and address.]

WHEREAS *[here enter the plaintiff's name, description and address]* has instituted a suit in this Court against you under Chapter XXXIX of the Code of Civil Procedure for Rs. , principal and interest *[or Rs. , balance of principal and interest]* due to him as the payee *[or endorsee]* of a bill of exchange *[or hundi or promissory note]*, of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within ten days from the service hereof, inclusive of the day of such service, to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such ten days to obtain a decree for any sum not exceeding the sum of Rs. *[here state the sum claimed]* and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

[Here copy the bill of exchange, hundi or promissory note, and all endorsements upon it.]

No. 173.

MEMORANDUM OF APPEAL.

Section 541 of the Code of Civil Procedure, 190 .

MEMORANDUM OF APPEAL.

(Name, &c., as in Register.) Plaintiff—Appellant.

(Name, &c., as in Register.) Defendant—Respondent.

[Name of Appellant] *[plaintiff or defendant]* above-named appeals to the High Court at *[or District]* Court at , as the case may be against the decree of in the above suit dated the day of , for the following reasons, namely *[here state the grounds of objection]*.

The Code of Civil Procedure, 190 .
(The Third Schedule.)

THE THIRD SCHEDULE—*continued.*

No. 175.

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL.

Section 553 of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

, Appellant, v.

, Respondent.

APPEAL from the
dated the

day of

of the Court of
19 .

Respondent.

To

TAKE notice that an appeal from the decree of
been presented by
and that the
this Court for the hearing of this appeal.

in this case has
and registered in this Court,
day of 19 has been fixed by

If no appearance is made on your behalf by yourself, your pleader, or by some one by law authorized
to act for you in this appeal, it will be heard and decided *ex parte* in your absence.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

[NOTE.—If a stay of execution has been ordered, intimation should be given of the fact on this notice.]

No. 176.

DECREE ON APPEAL.

Section 579 of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

, Appellant, v.

, Respondent.

of APPEAL No. from the 19 of the Court of dated the day

This appeal coming on for hearing on the day of 19 before
, in the presence of for the Appellant, and of
for the Respondent, it is ordered—

[here state the relief granted].

The costs of this appeal, amounting to , are to be paid by . The cost
the original suit are to be paid by .

GIVEN under my hand, this day of .

L. S.

Judge.

V 2 C 2

*The Code of Civil Procedure, 190 .**(The Third Schedule.)*

THE THIRD SCHEDULE—concluded.

No. 178.

NOTICE TO SHOW CAUSE WHY A REVIEW SHOULD NOT BE GRANTED.

Section 626 of the Code of Civil Procedure, 190 .

IN THE COURT OF

AT

*Plaintiff, v.**Defendant.*

To
 TAKE notice that _____ has applied to this Court for a review of its judgment passed on the _____ day of _____ 19____ in the above case. The _____ day of _____ 19____, at the hour of _____, is fixed for you to show cause why the Court should not grant a review of its judgment in this case.

GIVEN under my hand and the seal of the Court, this _____ day of _____ 19____.

L. S.

Judge.

No. 179.

NOTICE OF CHANGE OF PLEADER.

IN THE COURT OF

AT

*A. B. of**against**C. D. of*

TO THE REGISTRAR OF THE COURT.

TAKE notice that I, *A. B. [or C. D.]*, have hitherto employed as my pleader *G. H.* of _____ in the above-mentioned cause, but that I have ceased to employ him, and that my present pleader is *J. K.* of _____.

A. B. [or C. D.]

No. 180.

MEMORANDUM TO BE PLACED AT FOOT OF EVERY SUMMONS, NOTICE, DECREE OR ORDER OF COURT, OR ANY OTHER PROCESS OF THE COURT.

HOURS of attendance at the office of the Registrar [*place of office*] from *ten* till *four* except on [*here insert the day on which the office will be closed*], when the office will be closed at *one*.

[New.]

THE FOURTH SCHEDULE

ENACTMENTS AMENDED.

(See section 653A.)

Year.	No.	Short Title	Amendment.
1855	XXVIII	The Usury Laws Repeal Act, 1855.	<p>In section 2, <i>after the word amount the words for any period prior to the date of the institution of the suit shall be inserted.</i></p> <p>For section 3 the following shall be substituted, namely:—</p> <p>3. Whenever the Court by its decree orders interest to be paid—</p> <p style="margin-left: 40px;">Rate of interest subsequent to institution of suit.</p> <p style="margin-left: 40px;">(a) upon the principal sum adjudged from the date of the institution of a suit to the date of the decree, or</p> <p style="margin-left: 40px;">(b) upon the aggregate sum so adjudged from the date of the decree to the date of payment or to such earlier date as it thinks fit,</p> <p>it may, subject to the provisions of any law for the time being in force, order such interest to be calculated at the rate of interest (if any) adjudged upon the principal sum in the decree or, for reasons to be recorded, at such lower rate or rates as the Court deems equitable.</p>
1875	XX	The Central Provinces Laws Act, 1875.	<p>For section 11 the following section shall be substituted, namely:—</p> <p>11. The provisions of sections 184, 185 and 189 of the Code of Civil Procedure, 190, shall not apply.</p> <p style="margin-left: 40px;">Bar of application of certain sections of Civil Procedure Code.</p> <p>In section 12, <i>for the words and figures sections 182, 184, sub-section (2), 189, sub-section (2), and 191 shall be substituted.</i></p>
1876	XVII	The Oudh Laws Act, 1876.	<p>In section 19, <i>for the words and figures sections 172 to 205 (both inclusive) of the Code of Civil Procedure are hereby repealed, so far as the province of Oudh is concerned, the words and figures sections 181 to 190 of the Code of Civil Procedure, 190, shall not apply shall be substituted.</i></p>
1877	III	The Indian Registration Act, 1877.	<p>To section 89 the following shall be added, namely:—</p> <p>The filing of such copy or copies shall have the same force and effect as registration.</p>
"	XV	The Indian Limitation Act, 1877.	<p>In section 3, <i>after the definition of foreign country the following definitions shall be added, namely:—</i></p> <p>the expression "growing crops" includes crops of all sorts attached to the soil, and leaves, flowers and fruits upon, and juice in, trees and shrubs;</p> <p>"moveable property" includes growing crops;</p> <p>To section 12 the following shall be added, namely:—</p> <p><i>Explanation.</i>—The time requisite for obtaining a copy of a decree shall not be deemed to include any period anterior to the date of applying for such copy, even although the decree may not have been drawn up, dated or signed, nor shall it be</p>

FOURTH SCHEDULE—continued.

1	2	3	4						
Year.	No.	Short title.	Amendment.						
1877	XV— contd.		<p>deemed to include any period subsequent to the date on which the copy, being ready for delivery, could have been obtained by the exercise of reasonable care and diligence.</p> <p>After section 18 the following section shall be added, namely :—</p> <p>18A. In computing the period of limitation prescribed for an application for the execution of a decree, where and in so far as such decree (not being a decree for the enforcement of a mortgage) is a decree for the payment of money, the time (if any) during which payment of the amount decreed has been postponed, by an order of the Court under section 210 of the Code of Civil Procedure, 190 , shall be excluded.</p> <p>In column 1 of the second schedule, for the words and figures in article 11 under sections 280, 281, 282 or 335 of the Code of Civil Procedure, the words and figures under section 278, sub-sections (4) to (6), 332 or 335 of the Code of Civil Procedure, 190 , shall be substituted.</p> <p>In the second schedule, after article 164 the following article shall be added, namely :—</p> <table><tr><td>164A. For the issue of a notice under section 358 of the Code of Civil Procedure, 190 , to show cause why the payment or adjustment therein mentioned should not be recorded or certified.</td><td>Ditto . .</td><td>Ditto . .</td></tr></table> <p>In the second schedule, for article 173A the following article shall be substituted, namely :—</p> <table><tr><td>173A. By a purchaser at a sale of immovable property in execution of a decree for a certificate under section 310 of the Code of Civil Procedure, 190 .</td><td>Ditto . .</td><td>From the date on which the sale became absolute.</td></tr></table>	164A. For the issue of a notice under section 358 of the Code of Civil Procedure, 190 , to show cause why the payment or adjustment therein mentioned should not be recorded or certified.	Ditto . .	Ditto . .	173A. By a purchaser at a sale of immovable property in execution of a decree for a certificate under section 310 of the Code of Civil Procedure, 190 .	Ditto . .	From the date on which the sale became absolute.
164A. For the issue of a notice under section 358 of the Code of Civil Procedure, 190 , to show cause why the payment or adjustment therein mentioned should not be recorded or certified.	Ditto . .	Ditto . .							
173A. By a purchaser at a sale of immovable property in execution of a decree for a certificate under section 310 of the Code of Civil Procedure, 190 .	Ditto . .	From the date on which the sale became absolute.							
1882	IV	The Transfer of Property Act, 1882.	<p>In sections 86 and 89, after the words awarded to him the words and figures together with any interest allowed under section 222 of the Code of Civil Procedure, 190 , shall be inserted.</p> <p>To section 89 the words and figures save in so far as is otherwise provided by section 310A of the Code of Civil Procedure, 190 , shall be added.</p> <p>In section 90, after the word mortgage the words and figures or when an order setting aside the sale is made by the Court in accordance with the provisions of section 310A of the Code of Civil Procedure, 190 , shall be inserted.</p>						
1884	XVIII	The Punjab Courts Act, 1884	<p>For section 70, sub-section (3), the following shall be substituted, namely :—</p> <p>(3) Section 622 of the Code of Civil Procedure, 190 , shall not apply to the territories to which this Act extends.</p>						

THE FIFTH SCHEDULE.

ENACTMENTS REPEALED.

(See section 653B.)

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
<i>Acts of the Governor General in Council.</i>			
1870	VII	The Court-fees Act, 1870 . . .	In section 16, <i>the words</i> on the hearing of such appeal.
1879	II	The Central Provinces Laws Act, 1879.	So much of section 2 as added a new section 11 to the Central Provinces Laws Act, 1875.
1882	XIV	The Code of Civil Procedure . .	The whole Act. . .
"	XV	The Presidency Small Cause Courts Act, 1882.	The last paragraph of section 3.
1887	VII	The Suits Valuation Act, 1887 .	Section 11.
1888	VI	The Debtors Act, 1888 . . .	Sections 2 to 8.
"	VII	The Civil Procedure Code Amendment Act, 1888.	So much as is unrepealed, except section 1, section 65 and section 66, sub-sections (3) and (4).
"	X	The Presidency Small Cause Courts Law Amendment Act, 1888.	So much as is unrepealed.
1889	XIII	The Cantonments Act, 1889 . .	So much of the schedule as relates to Act XIV of 1882.
1890	VIII	The Guardian and Wards Act, 1890.	Section 53 and so much of the schedule as relates to Act XIV of 1882.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to Act XIV of 1882 and Acts VI, VII and X of 1888.
1892	VI	The Indian Limitation Act and Civil Procedure Code Amendment Act, 1892.	In the title and preamble <i>the words</i> and the Code of Civil Procedure <i>and</i> sections 2, 3 and 4.
1894	V	The Civil Procedure Code Amendment Act, 1894.	The whole Act.
1895	I	The Presidency Small Cause Courts Act, 1895.	Section 12.
"	VII	The Punjab Laws Act Amendment Act, 1895.	Sections 1, 2 and 3.
"	XIII	The Civil Procedure Code Amendment Act, 1895.	The whole Act.
1897	XIV	The Indian Short Titles Act, 1897.	So much as relates to Acts X of 1888 and XIII of 1895.
1900	VI	The Lower Burma Courts Act, 1900.	So much of the schedules as relate to Act XIV of 1882.

Disposal of provisions of Act XIV of 1882.

Sections of Act XIV of 1882.	Clauses of Bill.	Sections of Act XIV of 1882.	Clauses of Bill.
PRELIMINARY.		3	653B.
		4	4.
	1.	4A	4A.
2, sub-section (1)— "Chapter"	Omitted [see Act X of 1897, s. 3, cl. (9)].	5	8 (2).
		6	6.
"district"	2 (1) (k) and (2).	7	7.
"pleader"	2 (s).	8	8 (1).
"Government Pleader."	2 (k).	9 (division of Code)	Omitted as unneces- sary.
"Collector"	2 (e).	—	
"decree"	2 (f).	PART I.	
"order"	2 (r).	CHAPTER I.	
"judgement"	2 (n).	10	10.
"judge"	2 (m).	11	11.
"judgment- debtor."	2 (o).	12	12.
"decree-holder"	2 (g).	13	13.
"written"	Omitted [see Act X of 1897, s. 3 (58)].	14	14.
"signed"	2 (v); but see Act X of 1897, s. 52.	—	
		CHAPTER II.	
"Foreign Court"	2 (i).	15	15.
"foreign judg- ment."	2 (j).	16	16.
"public officer"	2 (l).	16A	16A.
"Government"	Omitted [see Act X of 1897, s. 3 (21)].	17	17.
		18	18.
		19	19.
New clauses.		20	20 (1), (2), (3).
"Chief Controlling Revenue-au- thority."	2 (d).	21	20 (4).
"growing crops"	2 (l).	22	22.
"moveable pro- perty."	2 (g).	23	23.
"stock"	2 (n).	24	24.
		25	25.

Sections of Act XIV of 1882.	Clauses of Bill.	Sections of Act XIV of 1882.	Clauses of Bill.
CHAPTER III.		55	55.
26	26.	56	56.
27	27.	57	57.
28	28.		Cl 57A is new.
29	29.	58, paras. 1 to 3 .	58 (1) to (4).
30	30.	„ para. 4	Omitted.
31	31.	„ para. 5	57B.
32	32.	59	59 (1), (2).
33	33.	60	59 (3).
34	34.	61	61.
35	35.	62	62.
36	36.	63	63.
37	37.	CHAPTER VI.	
38	38.	64	64 (1), (2).
39	39.	65	64 (3).
40	40.	66	66 (1), (2).
41	41.	67	66 (3).
CHAPTER IV.		68	68.
42	42.	69	69.
43	43.	70	70.
44	44.	71	71.
45	45.	72	72.
46	46 (1).	73	73.
47	46 (2).	74	74.
CHAPTER V.		74, proviso	Omitted; but see Chapter XXXII.
48	48.	75	75.
49	49.	76	76.
50	50.	77	77.
51	51.	78	78.
52	52.	79	79.
53	53.	80	80.
54	54.	81	1.
Cls. 54A and 54B are new.			

Sections of Act XIV of 1882.	Clauses of Bill.	Sections of Act XIV of 1882.	Clauses of Bill.
82, para. 1 . . .	82.		
" para. 2 . . .	83 (1).		CHAPTER VIII.
83	83 (2).	110	110.
84	83 (3).	111	111, redrafted and <i>illustrations</i> omit- ted.
85	85.	112	112.
86	86.	113	113.
87	87 (1).	114	114 (1), (2).
88	87 (2).	115	114 (3).
89	89.	116	116.
90	90.		CHAPTER IX.
91	91 (1), (2).	117	117.
92	91 (3).	118	118.
	Cls. 92A and 92B are new.	119	119.
93	93.	120	120.
94	94.		CHAPTER X.
95	95.	121	121.
	CHAPTER VII.		Cl. 121A is new.
96	96.	122	122.
97	97.	123	123.
98	98.	124	124.
99	99.	125	125.
99A	99A.		Cl. 125A is new.
100	100.	126	126.
101	101.	127	127.
102	102.	128	128.
103	103.	129	129.
104	104.	130	130.
105	105.	131	131.
106	106.	132	132.
107	107.	133	133 (1).
108	108.	134	133 (2).
109	108 (2), proviso.		Cls. 134A, 134B and 134C are new.

Sections of Act XIV of 1882.	Clauses of Bill.	Sections of Act XIV of 1882.	Clauses of Bill.
135	135. Cl. 135A is new.	CHAPTER XIV.	
136	136. Cl. 136A is new.	159	159.
137	137.	160	160.
138	138 (1).	161	161.
139	138 (3).	162	162.
140, para. 1 and pro- viso.	138 (2).	163	163.
140, para. 2 . . .	138 (4).	164	164.
141	141.	165	165.
141A	141A.	166	166 (1).
142	142.	167	166 (2).
142A	142A.	168	168.
143	143.	169	169 (1).
144	144.	170	169 (2).
145	145.	Cls. 170A and 170B are new.	
CHAPTER XI.		171	165A.
146	146.	172	167A.
147	147.	173	173.
148	148.	174, first para. . .	173 (3).
149	149.	„ last para. . .	174.
150	150.	175	173 (3).
151	151.	176	176.
CHAPTER XII.		177	177.
152	152.	178	178.
153	153.	CHAPTER XV.	
154	154.	179	179 (1).
155	155.	„ expl. . . .	178A.
CHAPTER XIII.		180	179 (2), (3), (4).
156	156.	181	181.
157	157.	182	182.
158	158.	183	183.
		184	184 (1)

Sections of Act XIV of 1882.	Clauses of Bill.	Sections of Act XIV of 1882.	Clauses of Bill.
185 . . .	185	208 . . .	208.
185A . . .	185A.	209 . . .	209.
186 . . .	186.	210 . . .	210.
187 . . .	187.	211 . . .	211.
188 . . .	188.	211, <i>expl.</i> . . .	3 (2), cl. (p)
189 . . .	189.	212 . . .	212.
190 . . .	184 (2), 189 (2).	213 . . .	213
191 . . .	19 .	214 . . .	214.
192 . . .	192.	215 . . .	215.
193 . . .	193.	215A . . .	215A.
	Cl. 193A is new.		Cl. 215B is new.
CHAPTER XVI.		216 . . .	216.
194 . . .	194.	217 . . .	217.
195 . . .	195.	CHAPTER XVIII.	
196 . . .	196.	218 . . .	218.
197 . . .	197.	219 . . .	219.
CHAPTER XVII.		220 . . .	220.
198 . . .	198 (2), 199A.	221 . . .	221.
199 . . .	199.	223 . . .	222.
200 . . .	198 (1), 199A.		Cl. 222A is new.
201 . . .	201.	CHAPTER XIX.	
202 . . .	199A (2), 202.	223, first para. . .	223.
203 . . .	203 (1), (2).	223, second to sixth paras.	223C.
	Cl. 203A is new.		Cls. 223A and 223B are new.
204 . . .	203 (3).	224 . . .	224 (1).
205 . . .	205 (2), (4).	225 . . .	224 (2).
	Cl. 205A is new.	226 . . .	226 (a).
206, first and second paras.	206.	227 . . .	226 (b).
206, third and fourth paras.	205 (1), 206A (2).	228 . . .	228.
207 . . .	50 (3), 207.	229 . . .	229.

Sections of Act XIV of 1882.	Clauses of Bill.	Sections of Act XIV of 1882.	Clauses of Bill.
229A . . .	229A.	256 . . .	256.
229B . . .	229B.	257 . . .	257.
230 . . .	230.	257A . . .	257A.
231 . . .	231.	258 . . .	258.
232 . . .	232.	259 . . .	259.
233 . . .	233.	260 . . .	260.
234 . . .	234.		Cl. 260A is new.
235 . . .	235.	261 . . .	261 (1) to (5).
236 . . .	236.	262 . . .	261 (6).
237 . . .	237.	263 . . .	263.
238 . . .	238.	264 . . .	264.
239 . . .	239 (1), (2).	265 . . .	265.
240 . . .	239 (3).	266 . . .	266.
241 . . .	239 (4).	267 . . .	267.
242 . . .	242.	268 . . .	268.
243 . . .	243.		Cls. 268A to 268G are new.
244 . . .	244.	269 . . .	269.
245 . . .	245.		Cls. 269A and 269B are new.
245A . . .	245A.		
245B . . .	245B.	270 . . .	Omitted.
246 . . .	246.	271 . . .	271.
247 . . .	247.	272 . . .	272.
248 . . .	248.	273 . . .	273.
	Cls. 248A to 248M are new.	274 . . .	274.
249 . . .	Omitted (<i>vide</i> cls. 248A to 248M).	275 . . .	275.
250 . . .	250 (1).	276 . . .	276.
251 . . .	250 (2), 343 (1).	277 . . .	277.
252 . . .	252.	278 . . .	278 (1), (2).
253 . . .	253.	279 . . .	278 (3).
254 . . .	254.	280 . . .	278 (4).
255 . . .	255.	281 . . .	278 (5).
		282 . . .	278 (6).

Sections of Act XIV of 1882.	Clauses of Bill.	Sections of Act XIV of 1882.	Clauses of Bill.
283	283.	313	313.
284	284.	313, <i>proviso</i>	312 (2), <i>proviso</i>
285	285.	314	Omitted.
286	286.	315	315.
287	287.	316	316.
288	288.	317	317.
289	289.	318	318.
290	290.	319	319.
291	291.	320	320.
292	294 (5).	321	321.
293	293.	322	322.
	Cl. 293A is new.	322A	322A.
294	294 (1) to (7).	322B	322B.
295	295.	322C	322C.
	Cl. 295A is new.	322D	322D.
296	296.	323	323.
297	297.	324	324.
298	298.	324A	324A.
299	299 (1).	325	325.
300	299 (2).	325A	325A.
301	299 (3).	325B	325B.
302	302.	325C	325C.
303	303.	326	326.
304	304.	327	327.
305	305.	328	328.
306	305.	329	329.
307	307 (1).	330	330.
308	307 (2).	331	331.
309	307 (3).	332	332.
310	310.	333	333.
310A	310A.	334	334.
311	311.	335	335.
312	312.		Cl. 335A is new

Sections of Act XIV of 1882.	Clauses of Bill.	Sections of Act XIV of 1882.	Clauses of Bill.
336 . . .	336.	364 . . .	<i>Rep., VII of 1888.</i>
337 . . .	337.	365 . . .	365.
337A . . .	337A.	366 . . .	366.
338 . . .	338 (1).	367 . . .	367.
339 . . .	338 (2) to (5).	368 . . .	368.
340 . . .	338 (6).		Cl. 368A is new.
341 . . .	342 (1), proviso and (2).	369 . . .	369.
342 . . .	342 (1).	370 . . .	370.
343 . . .	343.	371 . . .	371.
	CHAPTER XX.	372 . . .	372.
344 . . .	346.	372A . . .	372A.
345 . . .	347.		Cl. 372B is new.
346 . . .	347 (2).		CHAPTER XXII.
347 . . .	348 (5).	373 . . .	373.
348 . . .	} Omitted.	374 . . .	374.
349 . . .		375 . . .	375.
350 . . .	351.	375A . . .	375A.
351 . . .	353.		CHAPTER XXIII.
352 . . .	} Omitted.	376 . . .	376 (1).
353 . . .		377 . . .	376 (2).
354 . . .		378 . . .	376 (3).
355 . . .		379 . . .	379.
356 . . .			Cl. 379A is new.
357 . . .			CHAPTER XXIV.
358 . . .		380 . . .	380.
359 . . .	360K.	381 . . .	381.
360 . . .	344 (2).	382 . . .	380 (1), <i>expl.</i>
360A . . .	344 (3). Cls. 345, 348 to 350, 352 to 360J & 360L are new.		CHAPTER XXV.
	PART II. CHAPTER XXI.	383 . . .	383 (1).
361 . . .	361.	384 . . .	383 (2).
362 . . .	362.	385 . . .	383 (3).
363 . . .	363.	386 . . .	386.

Sections of Act XIV of 1882.	Clauses of Bill.	Sections of Act XIV of 1882.	Clauses of Bill.
87 . . .	387.	414 . . .	414.
. . .	Cl. 387A is new.	415 . . .	415.
388 . . .	388 (1).	CHAPTER XXVII.	
389 . . .	388 (2).	416 . . .	416.
390 . . .	390.	417 . . .	417.
391 . . .	391.	418 . . .	418.
. . .	Cl. 391A is new.	419 . . .	419.
392 . . .	392 (1).	420 . . .	420.
393 . . .	392 (2), (3).	421 . . .	421.
394 . . .	394 (1).	422 . . .	90A (1).
395 . . .	394 (2), (3).	423 . . .	423.
396 . . .	396.	424 . . .	424.
397 . . .	397.	425 . . .	425.
398 . . .	398.	426 . . .	426.
399 . . .	399.	427 . . .	427.
400 . . .	400.	428 . . .	428.
		429 . . .	429.
PART III.		CHAPTER XXVIII.	
CHAPTER XXVI.		430 . . .	{ 430.
401 . . .	401.		{ 430A.
401, expl. . .	402.	431 . . .	431.
402 . . .	401.	432 . . .	432.
403 . . .	403 (1), (2).	433 . . .	433.
404 . . .	403 (3).	434 . . .	434.
405 . . .	407 (a).	CHAPTER XXIX.	
406 . . .	406.	435 . . .	435.
407 . . .	407 (a).	436 . . .	{ 436.
408 . . .	408.		{ 436A.
409 . . .	409.	CHAPTER XXX.	
410 . . .	410.	437 . . .	437.
411 . . .	411.	438 . . .	438.
412 . . .	412.	439 . . .	439.
413 . . .	413.		

Sections of Act XIV of 1882.	Clauses of Bill.	Sections of Act XIV of 1882.	Clauses of Bill.
CHAPTER XXXI.		CHAPTER XXXIIA is new.	
440 . . .	440.	CHAPTER XXXIII.	
441 . . .	441.	470 . . .	470.
442 . . .	442.	471 . . .	471.
443 . . .	443.	472 . . .	472.
444 . . .	444.	473 . . .	473.
445 . . .	445.	474 . . .	474.
446 . . .	446 (1), (2).	475 . . .	475.
447 . . .	446 (3), (4).	476 . . .	476.
448 . . .	448 (1).	PART IV.	
449 . . .	448 (2).	CHAPTER XXXIV.	
450 . . .	450 (1).	477 . . .	477 (1).
451 . . .	450 (2).	478 . . .	477 (2).
452 . . .	450 (3).	479 . . .	477 (3), (4).
453 . . .	450 (4).	480 . . .	480.
454 . . .	454.	481 . . .	481.
455 . . .	455.	482 . . .	482.
456 . . .	456.	483 . . .	483 (1), (2).
457 . . .	457.	484 . . .	483 (3), (4).
458 . . .	458.	485 . . .	483 (5), (6).
459 . . .	459.	486 . . .	483 (7).
460 . . .	460.	487 . . .	487.
461 . . .	461.	488 . . .	488.
462 . . .	462.	489 . . .	489.
463 . . .	463.	490 . . .	490.
464 . . .	464.	Cl. 490A is new.	
CHAPTER XXXII.		491 . . .	491.
465 . . .	465 (1), (2), (3).	Cl. 491A is new.	
465, <i>expl.</i> . . .	465, <i>expl.</i>	CHAPTER XXXV.	
466 . . .	465 (4).	492 . . .	492.
467 . . .	465 (5).	493 . . .	493.
468 . . .	90A (3), (4).	494 . . .	494.
469 . . .	<i>Rep., XIII of 1889.</i>		

Sections of Act XIV of 1882.	Clauses of Bill.	Sections of Act XIV of 1882.	Clauses of Bill.
495	495.	525	525.
496	496.	526	526.
497	497.		Cl. 526A and 526B are new.
498	498.	CHAPTER XXXVIII.	
499	499.	527	527.
500	500.	528	528.
501	501.	529	529 (1), (2).
502	502.	530	529 (3).
CHAPTER XXXVI.		531	529 (4), (5).
503	503.	CHAPTER XXXIX.	
504	504.	532	532.
505	505.	533	533.
ART V.		534	534.
CHAPTER XXXVII.		535	535.
506	506.	536	536.
507	507.	537	537.
508	508.	538	538.
509	509.	CHAPTER XL.	
510	510.	539	539.
511	511.	PART VI.	
512	512.	CHAPTER XLI.	
513	513.	540	540.
514	514.		Cl. 540A is new.
515	515.	541	541 (1), (2), (3).
516	516.	542	541 (4).
517	517.	543	543.
518	518.	544	544.
519	519.	545	545.
520	520.	546	546.
521	521.	547	547.
522	522.	548	548.
523	523.	549	549.
	Cl. 523A is new.	550	550.
524	524.		

Sections of Act XIV of 1882.	Clauses of Bill.	Sections of Act XIV of 1882.	Clauses of Bill.
551	551.	582	582.
552	552.	582A	582A.
553	553 (1), (2).	583	583.
554	554 (3).	CHAPTER XLII.	
555	555.	584	584 (1).
556	556, (1), (2).	585	585.
557	556 (3).	586	584 (2).
558	558.	587	587.
559	559.	CHAPTER XLIII.	
560	560.	588	588.
561	561.	589	589.
562	562.	590	590.
563	<i>Rep., VII of 1888.</i>	591	591.
564	564.	CHAPTER XLIV.	
565	565.	592	592 (1).
566	566 (1), (2).	593	592 (2).
567	566 (3), (4).	CHAPTER XLV.	
568	568 (1), (2).	594	594.
569	568 (3).	595	595.
570	568 (4).	596	596.
571	571 (1).	597	597.
572 }	571 (2), (3), (4).	598	598 (1).
573 }		599	<i>Rep., VII of 1888.</i>
574 }		600	598 (2), (3).
575	575.	601	598 (4).
576	576.	602	598 (5), (6).
577	577.	603	603.
578	578.	604	604.
	Cl. 578A is new.	605	605 (1).
579	579.	606	605 (2).
	Cls. 579A and 579B are new.	607	607.
580	580.	608	608.
581	581.		

Sections of Act XIV of 1882.	Clauses of Bill.	Sections of Act XIV of 1882.	Clauses of Bill.
609	609.	633	633
610	610.	634	634.
611	611.	635	635.
612	612.	636	636 (<i>see also 221</i>).
613	Omitted.	637	637.
614	<i>Rep., VI of 1900</i>	638	638.
615	615.	639	639.
616	616.	PART X. CHAPTER XLIX.	
PART VII. CHAPTER XLVI.		640	640.
617	617.	641	641.
618	618.	642	642.
619	619.	643	Omitted (<i>vide Act V of 1898, s. 476</i>).
620	620.	644	644.
621	621.	645	645.
CHAPTER XLVI-A.		645A	645A.
622	622.	646	646.
	Cl 622A is new.	646A	646A.
PART VIII. CHAPTER XLVII.		646	646B.
623	623.	647	647.
624	624.	648	648.
625	625.	649	649.
626	626 (1), (2).	650	650.
627	627.	650A	650A.
628	626 (3).	651	<i>Rep., X of 1886.</i>
629	629.	652	652.
630	630.	653	653, <i>printed after cl. 648.</i>
PART IX. CHAPTER XLVIII.			Cl. 653A is new.
631	631.	SCH. I	Omitted.
632	632.	SCH. II	SCH. I.
		SCH. III	SCH. II.
		SCH. IV	SCH. III.
			SCHS. IV and V are new.

STATEMENT OF OBJECTS AND REASONS.

The expediency of revising and re-enacting the Code of Civil Procedure has since 1893 been under the consideration of the Governor General in Council. Almost twenty years have now elapsed since the Code was passed into law in its present form, and since then, besides being the subject of daily litigation and interpretation in the Courts, it has been expressly amended by as many as seventeen Acts of general, and seven of local, application. Proposals for its revision were called for from the different Local Governments and the High Courts in 1894, and, as the result, a very large number of suggestions have for some time past been in the hands of the Government of India. A Bill has now been prepared and it has been decided, with the concurrence of His Majesty's Secretary of State, that the necessary legislation should be no longer delayed.

2. At the outset the object with which the Bill has been drafted, has been the removal of the many doubts raised by the numerous reported cases and conflicting rulings of the High Courts and the incorporation of so much of the case-law as seems to commend itself for the approval of, and adoption by, the legislature. And, in the second place an effort has been made to give effect to such of the recommendations received as appear, to make for the improvement of this very important branch of the adjective law of British India. The principal amendments thus put forward are in connection with—

- (1) the issue and service of process ;
- (2) set-off ;
- (3) discovery and interrogatories ;
- (4) the recording of evidence ;
- (5) the delivery of judgment and the preparation of decrees ;
- (6) the execution of decrees, especially with reference to growing crops and the attachment of debts ;
- (7) proceedings in insolvency ;
- (8) partnerships ;
- (9) suits relating to public charities ; and
- (10) appeal and revision.

These amendments may be thus briefly explained.

- (1) It is proposed at once to strengthen and to simplify the procedure for enforcing appearance, and at the same time to invest the Courts with discretion to refuse unnecessary or vexatious applications for process, and to allow special remuneration, subject to rules, to expert witnesses for their attendance and assistance. It is intended to recognise service by registered post, and also, in local areas sufficiently advanced to admit of the English practice, service through the parties or their solicitors.
- (2) It is proposed to widen, on the lines followed in England, the at present very restricted procedure in regard to set-off. Any right or claim capable of being conveniently disposed of in the same suit will now be admitted, and in taking cognisance of such a right or claim a Court will be restricted to its ordinary jurisdiction only to the extent of the relief granted by it. A Court will also be able to proceed with a set-off notwithstanding the stay, discontinuance or dismissal of the suit. The same principle is proposed for adoption with regard to objections to appeals raised under section 561.
- (3) It is proposed to expand the admittedly inadequate provisions regarding discovery and interrogatories so as to give the Courts and the parties powers similar to those conferred by the Rules of the Supreme Court in England, while guarding as far as possible against inconvenience caused through the production of business books.
- (4) It is proposed, in order to lighten the clerical labour of judges, considerably to extend the power of substituting a memorandum of the substance for a record *in extenso* of the evidence of witnesses. A Court will also be enabled, in the case of connected or similar suits, to take the evidence once

- for all, subject to the necessary safeguards as regards the rights of all the parties under the law relating to the examination of witnesses. A Court will further have power to admit or exclude evidence on objection taken without noting the objection, unless it considers it to be important.
- (5) With a similar object, it is proposed to enable a judge to pronounce an oral judgment, causing a note to be taken at the time and a written judgment (for the correctness of which he will be responsible) to be prepared therefrom. The rules as to the contents of decrees have been remodelled in the light of executive orders hitherto rendered necessary by the insufficiency of the existing provisions, and the inclusion in decrees of findings on the issues will prevent parties from being, as they are at present, bound by findings against which they have no right of appeal. This change is of some importance inasmuch as it is also proposed to render it clear that the doctrine of *res judicata* applies to findings on matters in active controversy between parties ranged on the same side. Considerable latitude will be given to the Courts in the matter of awarding interest subsequent to the institution of suits. In this connection the re-draft seeks to settle the keenly disputed question how far orders as to costs are appealable, and the definition of "decree" has been so amplified as to make it clear what are "decrees" and what are "orders".
- (6) Very material alterations are proposed throughout the provisions of Chapter XIX of the Code relating to execution. Growing crops will no longer be treated as immoveable property, but will fall within the purview of the simpler remedies provided in the case of moveables. At the same time a measure of protection will be extended to agriculturist judgment-debtors by providing for the exemption by the Local Government of a proportion of their crops from attachment. It is further proposed to give a discretion to the Courts to substitute orders as to allowances for maintenance for coercive process in the enforcement of decrees for the restitution of conjugal rights. Another important change suggested is in the direction of allowing decrees transferred for execution to be passed on from Court to Court direct as often as may be necessary. Questions relating to mesne profits will be excluded from the category of matters to be decided in the execution department, and a complete procedure for the hearing of applications for execution will be laid down. The powers of the Courts and their officers to deal with persons and property in the case of the delivery of immoveables will be more clearly defined. By the introduction of a procedure modelled upon that of garnishee and charging orders, a summary method for attaching debts will be provided; and, while the whole of the furlough and sick-leave allowances of public officers and servants of railway companies and local authorities will be added to the exemptions contained in section 266 of the present Code, facilities will be given for following the attachable portion of their salaries wheresoever they may be serving. The section relating to the rateable distribution of assets has been completely re-cast, the most important changes being that a decree-holder attaching before judgment is to be entitled to rank without making any further application, that the previous transfer of a decree will not be a condition precedent to the admission of an application to participate in a rateable distribution, and that every such application is to operate as an attachment in the event of the withdrawal of the original attachment. In the matter of the partition of revenue-paying estates, the cases in which the Revenue-authorities are to intervene to the exclusion of the Civil Courts will be defined. It is sought to remedy, in some measure, the present uncertainty of sales in execution of decrees by giving effect to decisions requiring the Courts to dismiss objections founded on irregularities of procedure which are not shown, by direct evidence, to have occasioned substantial injury. Attempts have been made throughout the Chapter to constrain all claimants to come forward in the execution proceedings, instead of re-opening them, as at present, by instituting separate suits.
- (7) Chapter XX has been entirely re-cast so as to afford a general system of relief for insolvent debtors, whether or not there are decrees against them. On the other hand, creditors will be able to obtain declarations against debtors only on proof of acts of insolvency; and a revised scheme of procedure, adapted from the law in England, has been suggested with a view to giving a similar finality to gazetted notices and orders and to investing the Courts with powers necessary for dealing fully and fairly with the

questions arising in such inquiries. The coercive processes will be greatly strengthened; but alternative remedies, now taken in disregard of insolvency proceedings, will be restricted, and the operative effect of the discharge, at present limited to scheduled debts, will be extended, with a few exceptions, to all liabilities provable under the Chapter.

- (8) It is proposed to introduce the simplified procedure obtaining in England with regard to suits against firms and partnerships, but the local extent of this departure will be a matter for further consideration. Partnership property will at the same time be exempted from seizure in execution of a decree other than a decree against the partnership itself.
- (9) It is proposed definitely to declare Chapter XL applicable to contentious suits relating to public charities and to enable the Courts to follow trust-property into the hands of third parties.
- (10) It is proposed to distinguish between a final decree and a preliminary decree, such as a decree directing accounts to be taken, and to provide that a plea which has been, or might have been, taken in appeal against a preliminary decree, shall not be admitted in appeal against the final decree. Further, all pleas not taken and pressed in the Court below will be barred in appeal. Provision will be made for the extension to District Courts of the High Court procedure under which an appeal need not be adjourned from day to day, but may remain pending until reached on the Cause List. A power of remand for retrial by the lower Court, similar to that conferred by section 423 of the Code of Criminal Procedure, 1898, will meet cases in which there has been no proper trial in the first instance. The procedure for delivering and recording appellate judgments has been simplified, the most important point being that, where an Appellate Court concurs with the Court below, it need only say so. An attempt has been made to remove hardships incidental to the existing practice under which a decree, though bodily affirmed by a High Court, cannot be amended on a matter of pure detail by the Court which passed it.

As regards second appeals, a pecuniary limit will be imposed in all cases. In the case of concurrent decrees, no appeal will be allowed unless the appellant gives security for costs and, when and in so far as a decree is for the payment of money, for the decretal amount also. And the procedure prescribed by section 551 is to be made obligatory. In order to prevent unnecessary delay, it is proposed to allow a Court, on second appeal, to decide a question of fact which the Court below has omitted to decide and for the disposal of which materials on the record are sufficient. Finally, in order to guard against the proposed limitation of the right of second appeal being nullified by a freer resort to the power of revision, it is proposed to restrict the scope of section 622 of the Code.

3. The numbering of the existing sections has been left practically untouched, although in some cases separate sections have been combined and formed into sub-clauses of the same clause with a view to making room for the fresh provisions now suggested. Re-numbering to a certain extent may eventually be attempted, but any change in this connection, unless very limited, is to be deprecated as inconvenient.

4. The details of the Bill are explained at length in the annexed *Notes on Clauses*.

T. RALEIGH.

The 12th December, 1901.

NOTES ON CLAUSES.

PRELIMINARY.

Clause 1 (3).—The provisions of the proposed new section 578A here referred to have been adapted from section II of the Suits Valuation Act, 1887, which extends to the whole of British India.

Clause 2.—The definitions have been re-arranged in alphabetical order, such of them as are coincident with those contained in the General Clauses Act, 1897, being omitted as unnecessary.

A definition of "agriculturist", which seems to be required with reference to clauses 266 and 269B, has been adapted from section 2 of the Dekkhan Agriculturists' Relief Act, 1879.

The definition of "appearing" has been inserted in order to remove the doubts suggested by various decisions in relation to proceedings taken *ex parte* or in default. It is thought that inadequate representation has all the features of default in appearance, except where a pleader applies for an adjournment under circumstances which would justify the client in making a similar application.

The importance of a definition of "cause of action" will appear on a reference to the remarks regarding clause 26. It is proposed to incorporate the definition familiar to English lawyers.

The definition of "decree", which has proved inadequate in practice, has been remodelled in view of decisions limiting it to an adjudication upon the merits. It is proposed to assign to the word "suit" its proper meaning, and to extend the definition now under reference to proceedings legally terminable in "decrees". For the sake of clearness, a number of reported cases declaring what is, and what is not, a "decree" have been embodied as exemplars. It is thought, however, that no order admitting a plaint involves a final adjudication entitling it to be considered a decree. Similarly, orders returning or rejecting plaints should not be deemed to be decrees unless they adjudicate—see clause 53 (1) (a) (i) and (ii)—upon the existence of a cause of action or the obvious frivolity or vexatiousness of a suit, or—see clause 53 (1) (b) (iii)—upon the joinder of causes of action, or—see clause 54 (c)—upon a bar by a positive rule of law.

Orders directing accounts to be taken or declaring the shares of parties but relegating their ascertainment to Commissioners have already the effect of "preliminary decrees" and will now be so described in the Code. The importance of this alteration will appear from clause 540, under which pleas capable of being urged against the preliminary, will not longer be heard against the final, decree.

It is proposed to supersede, in accordance with the view now generally accepted, a decision [*Ganga Ram v. Data Ram* (1885), 1. L. R. 8 All. 82] treating an order permitting the withdrawal of a suit—see clause 373—as a decree open to appeal. It is doubtful whether, in view of more recent decisions upon the meaning of a "decree", orders under section 381 of the Code will be treated by the Courts as falling within the definition, though it is not desirable to negative the existing right of appeal. There is no reason, however, why a mere default in procedure, such as the failure to deposit security, should debar a plaintiff from his ordinary liberty of suit, if, for example, he chooses, within the period of limitation, to return to British India. It is accordingly proposed, by an amendment of section 381, to expunge the reference to section 373, and to exclude the operation of section 13, but to confer an explicit right of appeal by an addition to section 588.

It is proposed to incorporate a decision [*Hamida Bibi v. Ali Husen Khan* (1895), 1. L. R. 17 All. 172], in which it was pointed out that the provisions of section 371, orders under which are appealable under section 588 (23), distinguish the case of an order under the first paragraph of section 366, directing a suit to abate, from a decree, in the sense of a final disposal of the suit.

On review of the conflicting case-law with reference to orders dismissing applications to sue *in forma pauperis* under section 407, it is thought that, even where an application is rejected under section 407 (c), now clause 407 (b) (iii), such an order is not a "decree" in the sense of a final adjudication of right, because section 413 saves a remedy by ordinary suit. At the same time, it is clear that some remedy is required to rectify the serious mischief resulting from a hasty pronouncement on the right to sue; and it is accordingly proposed, by an addition to section 588, to confer a power of appeal, limited, however, to rejection or refusal on this ground only.

Somewhat similar observations arise with regard to an order under section 592 or section 593, now clause 592, rejecting or refusing an application for permission to present an appeal as a pauper. From the silence of the Code on the subject it would appear that no remedy was intended to be given; and, in view of the conflicting rulings on the subject, it is proposed to declare that such orders are not decrees, and to confer no right of appeal in clause 588.

It has been held that, in view of the remedy given by section 558, an order of dismissal under section 550 is not appealable, and this interpretation, which has been adopted with reference to clause 10 of the Letters Patent, has been embodied in the text.

It is proposed to declare a dismissal under clause 136 to be an order, but, inasmuch as the proceeding is not *ex parte* and clause 108 consequently does not apply, to confer a right of appeal by an addition to clause 588.

The special and comprehensive provisions for finality and for appeal in the case of orders relating to costs, to be made by the addition of clause 222A will render it unnecessary to include any such order in the definition of a "decree".

The definition of "foreign Court" includes all Courts in England but not the Privy Council [*Bowles v. Bowles* (1884), I. L. R. 8 Bom. 571]. According to English practice, however, the "judgment" is what in India is termed the "order" or the "decree", as distinguished from the "judgment".

The definition of "growing crops" has been inserted with reference to the proposal to include them in the definition of "moveable property". At present, the state of the law on this subject appears to be neither certain nor convenient. It would seem desirable to remove growing crops as defined by section 2 of the Dekkhan Agriculturists' Relief Act, 1879, from the category of immoveable property, although all the difficulties arising in this connection will not be surmounted until a similar definition is imported into section 3 of the Indian Limitation Act, 1877. The substitution of a more simple and expeditious method of attachment will necessitate special provisions for the protection of thriftless agriculturists and for the due cultivation of the soil, and provisions founded on the Dekkhan Agriculturists' Relief Act, 1879, and the Bengal Tenancy Act, 1885, have accordingly been added with that object—see clauses 269A, 269B and 295A.

The definition of "mesne profits", which is of general application, has been removed to its proper place from the explanation appended to the existing section 211.

The definition of "sign" contained in section 3, clause (52), of the General Clauses Act, 1897, requires to be supplemented with a view to negating the possible inclusion of initials, which might be productive of serious mistakes and abuses in connection with the signing of judgments and processes.

The definition of "stock", which has been adapted from O. xlv, r. 3, of the Rules of the Supreme Court, is necessary with reference to the proposed new section 268E with regard to charging orders.

Clause 6.—Under the terms of the Lower Burma Courts Act, 1900, the Recorder of Rangoon has ceased to exist and has been replaced, in the matter of insolvency jurisdiction, by the Chief Court, except in the town of Moulmein, which has passed under the District Court.

The concluding passage of the existing section 6 prevents the Court from entertaining a set-off not within the pecuniary limits of its jurisdiction and from executing a decree passed in a suit of a value exceeding those limits. It is proposed, however, to extend the power of the Courts on the lines of the English practice of set-off—see clause 111; to except from jurisdictional limitations the rateable distribution of assets realized in execution—see clause 223A; and to declare the existing law that, in making restitution under an appellate decree, the lower Court is not restricted by the maximum of the pecuniary valuation of suits cognizable by it—see clause 583 (5). The necessary references to these provisions have accordingly here been added.

CHAPTER I.

OF THE JURISDICTION OF THE COURTS AND RES JUDICATA.

Clause 11.—The existing section has proved too narrow in so far as it has been found necessary to construe the expression "suits" so as to include all contentious proceedings of an ordinary civil kind. On the other hand, it is too wide in that it excludes only suits "barred by any enactment", and there are many matters of a civil nature which are barred by general principles of law, such as those relating to acts of State and public policy.

Clause 12.—The word "co-ordinate" has been inserted, because, where suits involving the same matter in issue are instituted in Courts of independent though co-ordinate jurisdiction, priority of institution determines the application of the section.

A passage has been added to show that, though the Court cannot try a suit, nevertheless the plaintiff is none the less bound to institute it within the period of limitation.

Clause 13.—The provisions of the Code with regard to *res judicata*, while aiming at completeness, have been held by the Privy Council to be not exhaustive, and it may be doubted whether the subject properly lends itself to compression within the four corners of a section. If the matter were *res integra*, it would, perhaps, be the safer plan to follow the example of the Rules of the Supreme Court and leave the principle, as was practically

the case under the modest provisions of section 2 of Act VIII of 1859, entirely to judicial decision; but the exclusion from the Statute-book now of the elaborate provisions on the subject introduced into it by section 13 of the Code of 1877 would probably occasion misconception and difficulty.

The provision now proposed is based on the opinion of the judges in the leading case on the subject [*Duchess of Kingston's Case* (1776), 20 How. St. Tr. 537], expanded and modified in the light of Indian Statute and case-law.

The expression "final judgment, order or decree of a competent Court" has been adapted from section 41 of the Indian Evidence Act 1872, but qualified by a saving with regard to "fraud" or "collusion", as contemplated by section 44, and the pendency of a lawful appeal converting it from *res judicata* to *res sub-judice*. The word "subsisting" has been inserted with reference to the same principle in order to render it clearer that, where the adjudication in appeal proceeds on other grounds, the findings in first instance, which thereby become irrelevant, cannot operate as a bar.

It is proposed to affirm the view entertained both at Allahabad and in Calcutta that a pure finding of law may operate as *res judicata*. This coincides with the English practice of holding parties to be estopped by a former judgment, however erroneous, if it stands unreversed by a competent Court, though it is open to them to contend that the judgment does not accurately represent the findings. On the other hand, it is desirable to limit the operation of the principle to adjudications on the merits, with a view to excluding, for instance, dismissals on a preliminary question of jurisdiction.

It is proposed, in the case of persons claiming under parties to the prior judgment, to limit the operation of *res judicata* to a title arising subsequently to the commencement of the suit or other proceeding terminated by the adjudication, since otherwise a mortgagee might be estopped from denying a finding obtained against his mortgagor after the creation of his incumbrance. It is not clear whether the existing *Explanation V* is or is not confined to the cases contemplated by section 30; but it seems expedient that it should be restricted to cases in which the Court has expressly sanctioned representative litigation under that section.

It is proposed to give effect to the existing rulings that the doctrine of *res judicata* applies between parties ranged upon the same side, whether as co-plaintiffs or as co-defendants, if, upon a point in active controversy between them, there has been an adjudication necessary to the determination of the suit.

The application of the principle of *res judicata* to judgments in the exercise of exclusive or of concurrent jurisdiction arises chiefly in connection with the decisions of the Revenue and Criminal Courts. The question whether any particular judgment of a Revenue or Criminal Court is passed in the exercise of exclusive or concurrent or limited jurisdiction must depend upon the local interpretation of the law upon which the judgment relies for its authority. A similar observation applies to the operation as *res judicata* of decisions given in Small Cause Courts. It is accordingly proposed not to attempt to define such jurisdictions in the clause under discussion.

The present section is misleading inasmuch as it does not exclude from the purview of *res judicata* a finding upon an issue not material to the making of the judgment. It is proposed, therefore, under clause 206 (d), to include in the decree the issues material to the passing thereof and so to prevent parties from being estopped by adverse findings without having had any opportunity of impeaching them in appeal from the final adjudication. The wording of *Explanation IV* to section 13 of the Code is, moreover, unduly rigid, inasmuch as it would, if literally interpreted, relieve parties from the bar of *res judicata* wherever there exists a latent power of alteration—see clauses 202, 206A, 210 and 257A.

It appears desirable to declare that nothing in clause 13 is to limit or otherwise affect any remedy open to a minor in respect of a finding obtained against him through the fraud or gross negligence of his next friend or guardian *ad litem*.

CHAPTER II.

OF THE COURT OF INSTITUTION.

The arrangement of the provisions of this Chapter has been slightly altered. The proper place for section 19 would seem to be immediately after section 16, while section 17 should apparently follow, rather than precede, section 18.

Clause 15.—This provision has been held to regulate procedure only, and not to deprive any Court of jurisdiction otherwise possessed by it. The matter is sufficiently provided for by section 11 of the Suits Valuation Act, 1887, which has been incorporated as clause 578A, and to which a reference has been inserted in the text.

It has been held that the money-value of the original suit, and not that of the remainder left in dispute, fixes the jurisdiction of the Court throughout the subsequent litigation in its several stages. Jurisdiction, if properly exercised with regard to the suit at the time of its institution, ought not to be ousted merely because a plaintiff has made unwarrantable additions to his claim; nor should it be lost in execution because, by the accumulation of interest, the value of the property has increased; although it may be destroyed if the plaint is so amended as to exceed the pecuniary limits governing the particular Court.

Clause 17.—This provision has been re-cast. The existing section commences by requiring the "cause of action" (which means ordinarily the sum total of the facts necessary for a plaintiff to allege before he can obtain a relief) to have arisen within the local limits of the Court's jurisdiction. On grounds of convenience, however, it has been held that, for the purposes of this section, the arising of a material portion of the cause of action within jurisdiction would be sufficient, and *Explanation III*, which relaxes the rule in the case only of suits arising out of contract, was accordingly added by the amending Act of 1888. There seems to be no sufficient reason for so limiting the relaxation; and, in view of English experience, it is thought preferable to apply the principle embodied in section 74 of the County Courts Act, 1888 (51 & 52 Vict. c. 43), by requiring only a material portion of the cause of action to have so arisen, provided that, in the case of a suit instituted under this provision, the leave of the Court is first obtained. It may be that, in these circumstances, *Explanation III* is no longer strictly necessary; but it is proposed to retain it for the present as a useful and practical guide for subordinate tribunals.

Clause 25.—The case-law upon this provision is not altogether consistent. It is not clear whether the existing section limits the power of transfer to suits, or leaves the Court a similar authority in the case of miscellaneous proceedings; and it has been pointed out that the section gives no power to re-transfer a suit to the Court from whose file it has once been withdrawn. With no wish to disturb the case-law defining the grounds justifying the exercise of a discretion to transfer, it is thought that this discretion is equally applicable to proceedings other than suits, as has in fact been recognised by the use of the expression "cause or matter" in section 76 of the Supreme Court of Judicature Act, 1873 (36 & 37 Vict., c. 66). On the other hand, it is clear that the transfer of a suit or other proceeding from a Court bound in law to dispose of it is necessarily an exercise of a very exceptional authority, the limits of which should not be extended without the strongest reason. It is accordingly proposed to widen the language of the section by including in it proceedings other than suits, and at the same time to authorize a Court, after withdrawing a case, to re-transfer it for trial or disposal whenever such a course appears desirable.

CHAPTER III.

OF PARTIES AND THEIR APPEARANCES, APPLICATIONS AND ACTS.

Clause 26.—The present section corresponds with O. xvi of the Rules of the Supreme Court before it was amended in 1896, with the omission of the words "in respect of the same cause of action". This reference to the "cause of action" has given rise to some difficulty, for it would appear that the meaning assigned to it in different parts of the Code is not always the same. In England a cause of action means "every fact which it would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the Court. It does not comprise every piece of evidence which is necessary to prove each fact, but every fact which is necessary to be proved" [*per* Lord Esher, M.R., *Read v. Brown* (1888), L. R. 22 Q. B. D. 128, at p. 131]. It "has no relation whatever to the defence which may be set up by the defendant, nor does it depend upon the character of the relief prayed for by the plaintiff", but it "refers entirely to the grounds set forth in the plaint as the cause of action, or, in other words, to the *media* upon which the plaintiff asks the Court to arrive at a conclusion in his favour" [*per* Lord Watson, *Mussummat Chand Kour v. Partab Singh* (1888), L. R. 15 I. A. 156, at p. 157]. It is proposed here to omit the reference in question and to use the phrase "cause of action" in its proper sense only throughout the Code. At the same time, the opportunity has been taken to modify and extend the language on the principle underlying the English rule as now amended and judicially explained. Three illustrations, based on recent English cases, have been added—see *Stroud v. Lawson* (1898), L. R. 2 Q. B. 44, at

pp. 53, 54; *Universities of Oxford and Cambridge v. George Gill and Sons* (1899), L. R. 1 Ch. 55, at p. 60; and *Walters v. Green* (1899), L. R. 2 Ch. 696.

Clause 30.—It is proposed to embody a ruling to the effect that the “parties” must be “capable of being ascertained”, and also to make it clear that the permission here contemplated may be implied. As the provision is of an equitable nature, it seems unnecessary to restrict it to action taken before the commencement of a suit, and it is proposed to give the Court full discretion as to costs.

Clause 31.—It is proposed, on the analogy of O. xvi, r. 11, of the Rules of the Supreme Court to include a reference to “non-joinder”, together with a saving of cases of misjoinder or non-joinder defeating the right of suit. The third paragraph has been added, on the recommendation of the Government of Bombay, to give effect to a local ruling.

Clause 32.—It is thought that the settlement of issues (where issues are settled) ought to be the last opportunity for striking out parties upon application. This limitation would appear to be equally expedient in connection with clauses 34, 46 and 53.

Where persons are added as defendants, the period of limitation depends, under the section as it stands, upon the service of the summons. It is proposed to correct this oversight and provide that the proceedings, as against the defendants added, shall be deemed to have begun on the day on which such parties were added.

Sub-clauses (6) and (7) have been added to give effect to certain rulings, the principle of which appears to be sound.

Clause 33.—The words “previously filed” have been omitted as unnecessary, and the insertion of some words is proposed with the object of investing the Courts with a discretion in the matter of requiring the service of an amended copy of the plaint where, for instance, the amendment is of trivial importance or is made in the presence of the defendants.

Clause 34.—An exception should be made of cases in which the ground of objection arises subsequently, as, for example, where, after the first hearing and before decree, a coparcener, remainderman or reversioner is born, or a female party is married to a stranger to the suit.

Clause 36.—The difficulties which have arisen in connection with the interpretation of “appearance”, will, it is trusted, be removed by the definition of this expression proposed by clause 2.

Clause 37.—It is proposed to adopt a recommendation made by the Attorneys’ Association at Madras and remove the restriction involved in the reference to “parties not resident within the local limits of the jurisdiction of the Court”.

Clause 39.—It seems necessary to require the appointment of a pleader to be signed by the party or by his recognised agent or by some other person duly authorized by power-of-attorney.

CHAPTER IV.

OF THE FRAME OF THE SUIT.

Clause 43.—The illustration to the present section, whilst embodying a most necessary rule of practice, is in direct conflict with the section itself, and is intelligible only if the latter is construed as requiring the joinder of successive causes of action arising out of the same contract and existing at the time of the institution of the suit.

The last paragraph has the effect of requiring a mortgagee, suing for a decree under section 88 of the Transfer of Property Act, 1882, for the enforcement of his claim against the collateral security for the mortgage debt, to include a prayer for the relief subsequently obtainable under section 90 of that Act. This result was clearly never intended, and a proviso has been added to guard against it.

Clause 44.—It is considered that the first hearing or the settlement of issues should be the latest opportunity for applying for the leave here dealt with, and that damages in respect of waste committed by a person in unlawful possession of immoveable property should, for purposes of this provision, be placed on the same footing as mesne profits and arrears of rent.

Sub-clause (2) has been added to declare, following the English rule, that in a suit for foreclosure or redemption a prayer may be added for delivery of possession; and an explan-

ation is proposed in order to prevent the misconceptions referred to in, for example, *Thakore Becharji Ranaji v. Thakore Pujaji Vakhtaji* (1889), I. L. R. 14 Bom. 31, at p. 53 and *Gayana Sambandha Pandara Sannadi v. Kandasami Tambiran* (1886), I. L. R. 10 Mad. 375, at p. 507.

CHAPTER V.

OF THE INSTITUTION OF SUITS.

Clause 48.—To obviate disputes of fact, it is proposed to require the name, description and place of residence of the person presenting a plaint to be endorsed at the time of presentation.

Clause 50.—With a view to minimizing the danger of fraud or mistake with regard to questions of minority, it is desirable to add information on the point to the particulars required to be specified in the plaint. It is thought also that the plaint should show on its face the value of the subject-matter of the suit for purposes of jurisdiction and of court-fees, and that, where the subject-matter is immoveable property identified by boundaries or by numbers in a record of settlement or survey, the plaint should refer to these.

Clauses 51 and 52.—The practice with regard to the signing of plaints in suits instituted by several co-plaintiffs is not altogether uniform. The reported cases show that the terms of the existing provisions are inadequate for the exigencies of practice and unduly stringent in the case of suits in which partners or co-owners are at a distance and unacquainted with the facts. The question of partnerships will form the subject of special provisions in Chapter XXXIIA permitting litigation in the name of a firm; and here rigid insistence upon the signature of the plaint by every member would interfere with legitimate methods of business. On the other hand, where joint estates have been sub-divided amongst numerous members of a family and some of these seek employment by emigrating or taking service at a distance, it would be unsafe to bind an absent co-owner by the result of litigation upon a plaint presented without any guarantee for his knowledge or privity. In this instance, therefore, it is considered desirable that the signature of each plaintiff should be obtained, and that intending suitors should protect themselves against non-joinder by obtaining proper powers-of-attorney, or by adding *pro forma* defendants, or, in short, by utilizing any of the provisions of the Code on the subject. The duty of verifying the plaint, however, stands on an entirely different footing. It is not necessarily personal to the plaintiff himself but may be performed by any one acquainted with the facts and is intended only to fasten upon an assignable person the penal liability for mis-statement. On the whole, then, it would seem to be a sufficient guarantee if one out of several co-plaintiffs is required to verify.

Where a suit is instituted by the Government, the ostensible plaintiff is the Secretary of State for India in Council, and the provisions of the Code requiring plaints to be verified have no real application.

As regards the proviso to the present section 51, it would seem sufficient if the agent signing the plaint has been authorized to sue on behalf of the absentee.

It is proposed to adopt a convenient rule of Allahabad practice which requires that the person verifying shall specify, by reference to the paragraphs, what he verifies of his own knowledge and what he verifies upon information received and believed to be true. And, as a further check on fraud and mistake, a provision is incorporated from the rules of the Calcutta High Court to the effect that the verification shall specify the date and place of signing.

Clause 53.—It is proposed to expand this provision on the lines of O. xxv., r. 4, of the Rules of the Supreme Court, and also, by the addition of a paragraph, couched in the most general terms, somewhat on the analogy of section 253 (2) of the Code of Criminal Procedure, 1898, to recognise, as inherent in a Court, power at any time to stay or dismiss, or to strike out, a pleading which appears to be frivolous or vexatious or to constitute an abuse of process. Two departures from the wording of the English rule are, however, suggested. In the first place, the word "reasonable", which appears before "cause of action" in it, has been omitted, because, as was remarked by Chitty, J., L.R. 36 Ch. D., at p. 495, "in point of law every cause of action is reasonable", and, so long as some cause of action is disclosed, the mere fact that the case is weak and not likely to succeed is no ground for dismissal. In the second place, the word "obviously" has been inserted in view of English rulings to this effect, e.g., *Kellaway v. Bury* (1892), 66 L. T. 599, at p. 602.

On the representation of the Government of Madras, two illustrations have been added to show that, where a suit is founded upon an allegation of fraud, this provision will

not authorize an amendment substituting one kind of fraud for another; and that, where a plaintiff sues for a declaration of title to immoveable property and is subsequently dispossessed, he is not precluded from adding a prayer for the recovery of possession.

Clause 54.—There is some doubt with regard to the time at which the power of rejection may be exercised. Though the matter is not free from difficulty, it is thought that, regard being had to the scope of the provision, the power conferred should, unlike that contemplated by the immediately preceding provision, be capable of being exercised at any stage of the hearing.

Clause 54A.—It is proposed to declare that the Court may extend the time fixed under clause 53 or clause 54 even after expiry of the original term, but not to prolong the period ordinarily prescribed by the law of limitation, except in the case to be provided for by clause 54B.

Clause 54B.—It is proposed to stereotype certain rulings to the effect that, where a plaint is presented within the period of limitation and a deficiency in stamp-duty is supplied after the expiry of such period, the date of institution, for purposes of limitation, should be reckoned back to the day of presentation.

Clause 55.—It is proposed, in connection with Chapter XVII, to render it clear that a Judge is not bound to record even a judgment with his own hand; and, in these circumstances, a similar alteration has been made here and in clause 57.

Clause 57.—A divergence of practice similar to that noted in connection with clause 54 arises under this provision with respect to the time at which the power of returning a plaint for presentation to the proper Court may be exercised. It is again thought that the power should be capable of being used at any stage.

Practical convenience requires that Rent and Revenue Courts should be included within the purview of this provision, and it is accordingly proposed to avoid the reference to "a Court whose grade is lower or higher than that of the Court competent to try" the case.

Clause 57A.—This clause is based on the principle that an Appellate or Revisional Court should dispose of a case in the manner in which the lower Court ought to have disposed of it.

Clauses 57B and 58.—It is apparent from the reports received from the officers consulted in Bengal that the working of the existing section 58 is not very satisfactory. In the first place, the person responsible as a matter of actual practice, for the correctness of the contents of memoranda and of concise statements is the plaintiff himself. It is represented as impossible, or at least as inadvisable, to rely upon the officers of the Court for this purpose. It is proposed to accept this position and to require the plaintiff to sign and verify, so far as may be, in the manner provided for the signing and verifying of plaints. By this alteration, clause 58, in the main, will cease to prescribe the duties of ministerial officers and will be concerned primarily with those of plaintiffs. In these circumstances, the passage relating to the register of suits has been transferred to a more logical position in clause 57B, thereby involving a consequential alteration of form No. 116 in the fourth schedule. In the second place, it would seem that, in the absence of any provision declaring failure to comply with the requirements of this section to be subject to a penalty, there is often much difficulty experienced in obtaining the necessary copies of plaints or concise statements.

CHAPTER VI.

OF THE ISSUE AND SERVICE OF SUMMONS.

Clause 66 (3).—The existing section 67 is inaccurate in that it does not take into account parties exempted from personal attendance.

Clause 74.—The addition here made and the omission of the proviso are explained by the proposal to insert a new Chapter XXXIIA dealing more comprehensively with the subject of suits by and against partnerships.

Clauses 80 and 81.—There are several rulings to the effect that the serving officer is bound to use diligence, and words to that effect have been inserted.

In this country many houses have nothing which, without a stretch of language, can be described as "outer doors". In such a case, any other conspicuous part of the house should be sufficient.

It is not clear from the language of the section as it stands what results should follow when the defendant retains the copy of summons delivered but refuses to sign the acknowledgment. Similarly, if the defendant refuses to sign the acknowledgment but does not *ordinarily* reside in any house, the Court apparently cannot proceed under the Code. Some provision is necessary because the Courts interpret the expression "*ordinarily* resides" with strictness, and suits against strolling players or roving traders are not uncommon. In such a case, the refusal should operate as service.

The practice of the Courts with regard to identifying persons or houses in connection with the service of process does not appear to be uniform. On the whole, it would seem expedient to provide in the return endorsed on the summons for, at least, one identifier whom the Court or the parties can call as a witness in case of a dispute with respect to the sufficiency of service.

Clause 85.—If the defendant resides outside jurisdiction, the plaintiff is often exposed to inconvenience and expense where an identifier is required by the local rules of service, and there is reason to suspect that the hardship is aggravated by the opportunity afforded to subordinate officials for extortion. Plaintiffs constantly apply that the summons may be delivered to them for presentation to the Court having local jurisdiction; and it is believed that, if the Courts were given a discretion in the matter, service of process is not unlikely to be prompter and cheaper than at present.

Clause 90.—The wording of the present section has, on several occasions, produced misunderstanding of the nature indicated by the illustration now suggested.

Clause 90A.—The exigencies of the public service demand that both civil and military officers of His Majesty should not be summoned without proper notice to their superiors. This concession, coupled with the privileges to be subsequently noticed in connection with attachment, casts upon the Government a corresponding duty to provide commensurate facilities for service. In the case of civil officers the provisions of section 422, which it is proposed to absorb in the section under reference, appear to be adequate and may, it is believed, be safely extended to servants of railway companies and local authorities on the analogy of section 72 of the Code of Criminal Procedure, 1898. Military officers have, since the commencement of the Cantonments Act, 1889, ceased to be governed by section 468, the provisions of which it is proposed to embody in section 90A so far as they relate to soldiers. Owing to the exceedingly varied conditions of the service of military officers, it seems expedient to follow the terms of section 26 (29) of the Cantonments Act, 1889, in leaving the matter to be regulated by rules of the Governor General in Council. In view of the facts of a reported decision it is essential to retain, with a general application, so much of section 468 as compels the officer addressed by the Court to execute the process. Special provision has been made, on the lines of section 72 (2) of the Code of Criminal Procedure, 1898, for treating a return in such a case as evidence, though unsupported by affidavit. It is considered desirable, however, to declare such a return to be evidence of non-service also, so as to avoid the necessity for summoning public officers where, as not infrequently occurs, an *ex parte* decree has been passed by inadvertence and is assailed by an application under section 108.

Clause 92A.—It would appear that, in certain commercial centres where there are firms of duly qualified attorneys, the circumstances are such as to admit of extra-judicial machinery for the purpose of service of process. Outside those centres, however, there seems reason to suppose that any such innovation would be open to serious abuse, unaccompanied by any substantial advantage. It is, therefore, suggested that, where local conditions are sufficiently advanced, an adaptation of the English practice might be introduced.

Clause 92B.—Some conflict of opinion is exhibited in the views expressed by officers consulted on the exceedingly important question of the expediency of service of process through the Post Office. On the one hand, the system, which has been recognised by section 148 of the Bengal Tenancy Act, 1885, is credited with the advantage that the postal peon is ordinarily not aware, and the registered letter should afford no indication, of the contents; and it is believed thereby to furnish some mechanical counter-check upon the malpractices both of corrupt serving-officers and of dishonest and obstructive defendants. On the other hand, it is criticized as merely substituting one agency for another of a very similar character, subject only to this difference that, where the Post Office is the medium, processes must take their chance of service with the mass of public and private correspondence, and it is impossible, without disorganizing business, to call peons constantly away from their duties for the purpose of being examined on oath. In these circumstances, it is proposed merely to take power to direct that, in any specified area, service of summons, either generally or in any particular classes of cases, shall or may be

effected by registered letter, either in addition to, or in substitution for, any other method of procedure. Two points, however, appear to be essential for the purpose of giving practical effect to this proposal. In the first place, not only must the Court be empowered to presume delivery equivalent to service from registration and despatch, but, where the letter is refused by the defendant or on his behalf and with his knowledge, he must be estopped from denying knowledge of its contents. In the second place, it must be declared sufficient to prove service by evidence of the identity of the defendant's handwriting on the postal receipt, since otherwise the peons would be compelled to frequent the Courts for the purpose of making affidavits or depositions which, in the vast majority of cases, are formal and uncontested.

CHAPTER VII.

OF THE APPEARANCE OF THE PARTIES AND THE CONSEQUENCES OF NON-APPEARANCE.

Clause 96.—To insure the punctual despatch of business, the Court should fix an hour for appearance, and the parties should incur the penalties for default if they fail to be punctual.

Clauses 97 and 99.—It constantly happens that postponements are obtained at the last moment by parties depositing the process-fees immediately before the hearing, and the amendment here proposed is intended to render it clearer that the Court is authorized, to treat such deposits as ineffectual.

Clause 99A.—The words and figures "whether before or after the first day of June, 1882," are omitted as having served their purpose. An addition has been made in the sense of a decision interpreting "return" as that, not of the bailiff, but of the nazir. There appears to be no sufficient reason for leaving cases of this description to encumber the registers for a year when an order for abatement under section 368 may, by virtue of article 175C of the second schedule to the Indian Limitation Act, 1877, be made within six months. It is proposed, therefore, to fix the latter term here also. It will be observed that the exercise of the power conferred is discretionary only.

Clause 100.—The question whether the existing section should be limited to the first day of hearing has been frequently discussed. It seems expedient so to limit it with a view to marking the distinction between this provision and the provisions of clause 157.

The second summons contemplated by clause (b) should ordinarily issue, like the first, at the expense of the plaintiff and be recovered as costs in the suit. But the Court should have a discretion to dispense with payment where the defendant is frustrating service, and it seems but reasonable to provide that the plaintiff should bear the costs of a postponement occasioned by his default whether service has not been effected at all or has merely been delayed. If, on the other hand, the default has been wilful, the Court should have discretion to dismiss the suit.

Clause 101.—It is proposed to omit the words "and assigns good cause for his previous non-appearance" and so to follow the decision in *Raghapa bin Hanmapa v. Parappa bin Shivapa* (1876) I. L. R. 1 Bom. 217.

Clause 103.—A paragraph has been added with the object of embodying in the text the decision in *Lalla Sheo Churn Lal v. Ramnandan Dohy* (1894), I. L. R. 22 Cal. 8.

Clause 108.—As this provision is at present worded, the legal representative of a deceased judgment-debtor cannot apply for an order to set aside an *ex parte* decree, and this can hardly have been intended.

The precise effect of the existing section has occasioned much discussion. The High Court at Calcutta seems now to have settled down to the construction that a successful application under it sets aside "the decree" and not any "part of the decree", although the ruling to that effect in *Mahomed Hamidulla v. Tohurennissa Bibi* (1897), I. L. R. 25 Cal. 155, is qualified by the proviso (added by Banerjee, J.) that the decree must be indivisible and must not specify separate reliefs against different parties. Precisely the opposite opinion is entertained at Bombay, where a revival under section 108 was held [*Manaku kom Pedru v. Sitaram Atmaram Vagh* (1893), I. L. R. 18 Bom. 142] not to reopen the case against the answering defendants, even though the cause of action was common to all. The matter is one of extreme difficulty, inasmuch as an order setting aside a decree removes all process issued in execution, although apparently it ought not to avoid a sale already effected, at any rate when the property is purchased *bonâ fide* by a person other than the decree-holder. The amendments now proposed will offer a solution by providing

first, that, where the relief granted is joint and indivisible, the order of revival should reopen the case as regards all defendants bound by that relief; but, secondly, that, where the decree has granted reliefs capable of being discriminated, it should stand in so far as it concerns defendants not associated with the applicant; and, thirdly, that an order setting aside a decree should not affect the validity of a sale in execution of any property to a *bond fide* purchaser other than the decree-holder.

CHAPTER VIII.

OF WRITTEN STATEMENTS AND SET-OFF.

Clause 110.—Where the case is simple enough to warrant the issue of a summons for final disposal, a written statement would ordinarily serve no useful purpose; and it is accordingly proposed, on the analogy of section 24 of the Presidency Small Cause Courts Act, 1882, and section 148 (e) of the Bengal Tenancy Act, 1885, to require the leave of the Court in such cases.

Written statements called for by the Court after the first hearing are exempted from court-fees by section 19 (iii) of the Court-fees Act, 1870. It has in two cases been held that such statements tendered at or before the first hearing are equally exempt, and it is proposed to supersede those rulings.

A reference to section 138 will show that, if a party intends to rely upon documentary evidence, he must declare it or have it in readiness to produce at or before the first hearing. There can, therefore, be no hardship in requiring him, as is now proposed, to specify it in his written statement.

Clause 111.—The exigencies of litigation have entirely outgrown the limits of the existing provisions on the subject of set-off, and it is believed that the time is ripe for assimilating the Indian to the English practice. Amongst the changes which it is thus proposed to introduce, two require special mention. In the first place, the law of set-off in this country will cease to be restricted—as was held by Straight, J., in *Abul Hasan v. Zohra Jan* (1883), 1. L. R. 5 A.L. 209, at page 301—to debts “for an ascertained sum of money due and owing to the plaintiff out of a transaction in which mutual credits are directly proper by reason of their being in respect of the same right”, and will substantially reproduce O. xix, r. 3, of the Rules of the Supreme Court by admitting any right or claim capable of being conveniently disposed of in the same action. In the second place, while it has been settled that under the existing section the nature and amount of the set-off must be within the cognizance of the Court, it is proposed to follow sections 89 and 90 of the Judicature Act, 1873 (36 & 37 Vict., c. 66), and restrict the Court to its ordinary jurisdiction merely to the extent of the relief granted by it. This suggestion will, of course, preclude the assumption of a special jurisdiction like that exercised by the Revenue-authorities in certain parts of the country, but will authorize the investigation of any set-off founded upon a cause of action cognizable by the Judge, even though the subject-matter exceeds the pecuniary limits of his powers or lies outside the local area included within his jurisdiction. At the same time it is considered expedient expressly to retain the present saving of an attorney’s lien suggested by the decision in *Brij Nath Dass v. Juggernath Dass* (1879), 1. L. R. 4 Cal. 742.

Clause 116.—The terms of the present section, read with those of sections 112 and 115, are unduly stringent, inasmuch as the summary power of amendment does not cover slips in signing and verifying or inaccuracies in the written statement of a case. Moreover, it may often be convenient or necessary to file a supplementary written statement detailing facts subsequently ascertained or meeting a defence which could not have been anticipated. It is thought that, as a matter of working practice, business is likely to be expedited by assimilating the power of amendment to that exercised in regard to plaints under section 53. It is already settled by case-law that a supplementary statement may not be tendered for the purpose of annulling a previous answer or of altering a plaintiff’s claim, and a proviso on the lines of that added in connection with section 53 has accordingly been added.

CHAPTER IX.

OF THE EXAMINATION OF THE PARTIES BY THE COURT.

Clause 119.—The alteration here made explains itself and is intended to relieve judges of mere clerical labour. In other respects this Chapter stands unaltered.

CHAPTER X.

DISCOVERY AND OF THE ADMISSION, INSPECTION, PRODUCTION, IMPOUNDING AND RETURN OF DOCUMENTS.

Clauses 121 and 121A.—The additions follow O. xxxi, rr. 1 and 2, of the Rules of Supreme Court, as amended in November, 1893.

Clauses 125 and 125A.—It is here proposed to bring the Indian law of interrogatories in line with the English practice as embodied in O. xxxi, and judicially explained in *Gay v. Labouchere* (1879), L. R. 4 Q. B. D. 206, and *Benbow v. Low* (1880), L. R. 16 Ch. D. 93. In India it has been held that the right to interrogate is limited and cannot be used in order to supply defects of pleading, because the Court itself can remedy these by the exercise of its powers under sections 112 and 146 of the Code. The circumstances of litigation in this country have undoubtedly cast upon the Courts, in regard to pleadings, some responsibilities which do not find a counterpart in English practice; but that is no reason for excluding the very material assistance which the parties can render in giving precision to the points in issue. The use of the term "oppressive" will, it is believed, act as a sufficient safeguard by introducing the English case-law giving it a specific meaning—see *Parker v. Wells* (1881), L. R. 13 Ch. D. 477, and *Fennessy v. Clark* (1887), L. R. 37 Ch. D. 184. On the other hand, it seems desirable to declare that an interrogatory cannot be utilized for the purpose of dispensing with the procedure contemplated by clauses 134 and 134C with regard to applications for the inspection of documents.

Clause 129.—The addition of a proviso is suggested so as to give the Court a discretion similar to that imported in 1893 into O. xxxi, r. 12, of the Rules of the Supreme Court.

Clause 130.—It seems desirable, in view of the discretion which it is proposed to give elsewhere in this connection, to make it clear that the power to order production is also discretionary.

Clause 131.—The useful decision in *Ram Dyal Saligram v. Nurhurry Balkrishna* (1894), L. R. 18 Bom. 368, to the effect that a defendant's right to inspection does not depend upon the previous filing of his written statement, has been embodied in the text.

Clause 133.—The amendments here proposed follow the language of O. xxxi, r. 18, of the Rules of the Supreme Court, as amended in 1893.

Clauses 134A to 134C.—These are new provisions suggested by English practice and adapted from the rule cited on the margin.

Clause 135A.—It seems expedient to invest with statutory authority the decisions to the effect that "opposite parties" include co-plaintiffs or co-defendants where there is a right to be adjusted between them in the suit, and that, when there are several plaintiffs, all should ordinarily join in an affidavit for discovery.

Clause 136A.—The application to infants and lunatics and their next friends and guardians *ad litem* of the provisions relating to the discovery and production of documents has always been a matter of difficulty, and there is at the present moment in India a direct conflict of authority on the subject. It is now proposed to be guided by the result of English experience which dictated the rule cited on the margin of the clause.

Clause 138.—The object of this provision is clearly to compel the parties to have their documentary evidence in Court at the first hearing and so to prevent surprise or forgery during the course of the trial; but it can be, and habitually is, evaded because the wording requires the Court to demand production, and documents are constantly slipped in at later stages on the plea that production was not demanded. It is accordingly proposed to cast upon the parties the responsibility for the production of the evidence on which they intend to rely as essential to their respective cases. On the other hand, it would seem to be necessary to give the Court a discretion to except from the rule formal evidence beyond suspicion, such as certified copies of Government records, or incidental documents which, without being essential to the cases disclosed in the pleadings, are of the highest importance in settling, for instance, a question of disputed handwriting.

Clause 141.—The existing provision cannot, in practice, be observed when, for example, tiny pieces of the flimsiest paper, or palm-leaves punctured with a stilus, are produced as receipts for rent. To meet such cases, it seems expedient to legalize existing

usage by authorizing the Court concerned to mark the document as the nature of the case may require.

Clause 142A.—The existing section does not provide for the immediate removal of a rejected document, and, regard being had to the fact that a document does not become evidence merely by reason of its being allowed to remain on the record, there seems to be no reason why a practice should be countenanced which results in the littering of record-rooms with a mass of unclaimed title-deeds which the owners often believe to be in the safest of custody and which the officers responsible for the destruction of documents are consequently reluctant to destroy without special inquiry. It is accordingly proposed expressly to direct the immediate removal of rejected documents from the record and their return to the parties concerned.

CHAPTER XI.

OF THE SETTLEMENT OF ISSUES.

Clause 149.—The language appears to require restriction on the lines of the proviso which it is proposed to add to section 53 on the analogous subject of the amendment of plaints.

CHAPTER XII.

DISPOSAL OF THE SUIT AT THE FIRST HEARING.

No material alterations are suggested in connection with this Chapter.

CHAPTER XIII.

OF ADJOURNMENTS.

Clause 157.—In view of a conflict of authority as to whether the reference to Chapter VII implies and involves the remedies open to a party aggrieved by an order under that Chapter, it is proposed to add a paragraph asserting that it is so.

CHAPTER XIV.

OF THE SUMMONING AND ATTENDANCE OF WITNESSES.

Clause 159.—The loose language of the present section has been largely responsible for delay in, and the consequent expense of, litigation, and it is proposed to strengthen it in three directions. In the first place, the Court should have a power at least as stringent as that conferred by section 257 (1) of the Code of Criminal Procedure, 1898, to refuse applications presented for the purpose of vexation or delay or for defeating the ends of justice. In the second place, it should be expressly declared that, where a witness has failed to attend and such failure is due to neglect on the part of the person calling him, the Court should not adjourn or grant further process for the attendance of such witness, unless it is satisfied that the ends of justice will otherwise be frustrated. In the third place, an order declining to adjourn for the attendance of a witness or to issue fresh process for such attendance should not be liable to be called in question in appeal or otherwise, unless the party aggrieved by the order discharges the burden of proving, not merely that it was erroneous, but also that it injuriously affected the merits of his case.

Clause 160.—A Court, while bound to fix a reasonable amount to defray the expenses of a witness, may allow only "travelling expenses" and charges of a similar nature, not including compensation for loss of time. In ordinary cases this rule is, perhaps, sufficient and not unreasonable; but the case of expert or scientific witnesses is recognised even in England as exceptional, and it is proposed to extend the power conferred by the section to granting a fee to such a witness.

Clauses 168 to 175.—The provisions of the Code have undoubtedly proved insufficient to secure the due attendance of witnesses and the prompt despatch of business. At present coercive process cannot, where a summons is unserved, be issued until the Court is satisfied, usually after the issue of repeated summonses, that a witness is absconding or avoiding service; and even then the party seeking the witness's attendance is required to move the Court. When the Court is duly satisfied of a witness's intentional default, still it cannot attach property without first issuing a proclamation with due formality, and, on the expiry of the time fixed thereby, the party desiring the attendance of the witness has again to move

the Court, which may or may not, in its discretion, order attachment. No remedy like that provided by section 278 for the disposal of the claims of third parties to attached property has been provided, and apparently a suit would lie against a purchaser. If a witness is served with a summons and simply refuses to obey it, he cannot be fined unless the party summoning him actually procures his arrest under a warrant and causes him to be produced in custody before the Court. In order to remove these defects it is now proposed to abolish the distinction between the avoidance of service in section 168 and the failure to comply in section 174, and to shift from the party to the Court the initiative in issuing coercive process where the judge, without necessarily being "satisfied" by any elaborate inquiry, "sees reason to believe" that a witness has intentionally failed to attend or has knowingly avoided service. The Court is, in such cases, ordinarily to issue a proclamation and, if it thinks fit, at once to follow the proclamation up with a warrant of arrest and the attachment of property, ending up, by an automatic process, with sale in satisfaction of a fine not exceeding five hundred rupees. This attachment, like all others under the Chapter, is to be governed by the summary procedure applicable to execution-proceedings, and the right of suit in respect of claims advanced by third parties is to be limited to that conferred by clause 283. The judge is also to be invested with the power, analogous to that already exercised by a Magistrate, of binding over witnesses in their recognisances to attend at further hearings, and, over and above this mechanical safeguard, the procedure relative to proclamation with a warrant and an attachment will be capable of being enforced against persons departing without the leave of the Court. At the same time, one of the causes of the failure to execute process will be removed by investing the Courts with the reasonable power of issuing warrants with bail instead of compelling a witness, as at present, to submit to the humiliation of production in custody before he can obtain an order for his release. Finally, as the Courts are to be responsible for enforcing compliance with their own processes, it is proposed to make special provision with reference to the recovery of court-fees and other incidental expenses.

CHAPTER XV.

OF THE HEARING OF THE SUIT AND THE EXAMINATION OF WITNESSES.

Clauses 178A and 179.—The explanation to the present section 179 appears to be rather widely expressed. In practice, the rule is that the defendant begins, if he admits the *prima facie* case of the plaintiff, *i.e.*, not all the facts alleged, but such as would, if unrebutted, entitle the plaintiff to a decree. At the same time, it is contemplated by section 146 that issues of law and of fact should be separately determined, and it frequently occurs that the defendant raises a preliminary issue going to the root of the case, admitting for this purpose alone the facts in the plaint and contending that, upon those facts, there is no right of suit. In such a case, the defendant should, without prejudice to the hearing on the facts, have the right to begin on the preliminary issue. It is, therefore, proposed to omit the explanation above referred to and to lay down in a separate clause rules on the lines here indicated.

Clause 182.—It seems expedient, if only in order to secure uniformity with clause 192, to require a witness's signature to his deposition. As a matter of fact, signatures are very largely taken; and the practice is useful in making deponents hesitate before resiling from their prior testimony.

Clause 185.—This provision is, it is believed, but seldom observed, and, when it is it tends only to impede business. In Courts in which evidence is given in English, pleaders acquainted with that language are ordinarily available. It is thought that, by an adaptation of the provisions of section 356 of the Code of Criminal Procedure, 1898, the record of depositions will gain both in accuracy and despatch.

Clause 187.—Objections to the admission of evidence should be taken on the earliest opportunity, and testimony admitted without objection in the lower Court ought not to be rejected on appeal. To this general rule of practice, which the present section was intended to assist, no exception can be taken; but the rigid and elaborate procedure here prescribed has defeated its own object and tended to interfere with the proper conduct of the hearing. It is proposed, therefore, to relax the provision so as to require a note to be taken of an objection only when the Court considers the matter of sufficient importance to weigh in appeal or revision.

Clause 189.—The efficiency of the Civil Courts is, at present, impaired by the burden of the clerical labour involved in recording the evidence upon which it is the judge's more legitimate function to adjudicate. In sections 260 and 355 of the Code of Criminal Procedure, 1898, a magisterial note of evidence is treated as sufficient in certain appealable

cases, while more recently the procedure there formulated has been given a general application in suits for the recovery of rent by section 148 (f) of the Bengal Tenancy Act, 1885. It is believed that, in an immense number of even appealable cases, a record *in extenso* of every incidental statement of the witnesses serves no useful purpose; and that a note taken by a judge of experience as a lawyer rather than a reporter would be sufficient for the superior Court and would conduce to promptitude and efficiency at trials in first instance. In appeals involving no questions of exceptional difficulty or complexity, paper-books, comprising over 3,000 pages of oral evidence, have actually been prepared, the result being, not only inordinate expense and delay in printing, but a serious obstacle to business by rendering the picking out of the facts an arduous task for the judge in appeal. It is accordingly proposed to expand the provision by authorizing the Local Government, on the recommendation and with the concurrence of the High Court, to specially empower either a Court or any particular judge to take down only a memorandum of the substance of the evidence in all cases or in particular classes of cases, whether appealable or not.

Clause 193A.—In the absence of a jury for the decision of questions of fact in the Civil Courts of this country, the arguments in favour of separately examining the same witnesses in each of several connected or similar cases are obviously less cogent than in England. On the other hand, the more elaborate record of depositions required in India renders it essential to economize the time both of the Court and of the witness by as much consolidation as is consistent with a due regard for the provisions of the Indian Evidence Act, 1872, in respect of the relevancy of facts and the rights of parties at the examination. At present, the Courts sometimes attain this object by consent of parties; but it seems desirable that this consent should not be necessary. It is accordingly proposed to invest the Court, under the necessary safeguards, with a discretion, involving a responsibility for using it on proper occasions, to treat this very important matter in a common-sense and business-like manner.

CHAPTER XVI.

OF AFFIDAVITS.

No alterations of substance are required as regards the provisions of this Chapter.

CHAPTER XVII.

OF JUDGMENT AND DECREE.

Clauses 198 to 203.—The provisions relating to judgments have, in several instances, been verbally re-cast to bring them into closer accord with the latest revision of sections 366 and 367 of the Code of Criminal Procedure. There seems no longer any reason, for example, to permit presiding officers to write judgments in their mother-tongue when that is neither English nor the language of the Court, to which it has been found by experience that magistrates can safely be restricted. It is proposed, however, to add the declaration that the irregularity of recording a judgment in the wrong language shall not affect its validity.

Another important departure is also suggested in order to lighten clerical labour. At present, the assumption throughout this Chapter appears to be that the decision should be written by the judge himself. The judge must, of course, be held responsible for every word of the judgment finally recorded; but, if he dictates it to a copyist or has it transcribed by a type-writer from a pencil note, there is surely a perfectly legitimate saving of energy. And there seems to be no reason why a further advance should not be made in the same direction by providing for the delivery of oral judgments, although it may not be possible in many places to provide the Courts with short-hand writers and so to enable them to take advantage of the provision.

Clause 203A.—It is here proposed expressly to provide for the consolidation of judgments in connected or similar cases and thus to recognise and place on a legal footing a practice so obviously expedient as a means of saving public time.

Clause 205.—The provisions relating to the preparation of decrees have in practice been found to be insufficient. It is usual to require, at any rate, the signature of the parties' pleaders in view of their duty to bring to notice any error in the draft decree, and also to enter on the decree the date of its signature by the judge, although the day of delivery of judgment is and should remain the date of the decree for purposes of limitation. At the same time, it is proposed to supersede a ruling to the effect that the time requisite for obtaining a copy does not include any period anterior to the application therefor, even though the decree may not have been drawn up, dated or signed, nor any period subsequent

to the day on which the copy, being ready for delivery, could have been obtained by the exercise of reasonable care and diligence.

Clause 205A.—Some provision is required to meet the case in which, before signature of the decree, the judge vacates office or the Court ceases to exist.

Clause 206.—A question, necessarily decided in effect though not in terms, operates as *res judicata*. At the same time, the issues material to the making of a decree ought to be embodied therein, because section 540 gives a right of appeal from the decree only, and not from the judgment, so that a party may be bound by an adverse finding against which, though it is material to the adjudication, there would be no appeal if it forms no part of the decree.

The expression "relief granted or other determination of the suit" is not strictly accurate. A suit is not determined by a preliminary decree directing, for example, a dissolution of partnership coupled with an order for the further taking of accounts. The distinction is of some importance, because it is proposed, by an amendment of section 540, to compel litigants to exhaust their right of appeal against the preliminary decree instead of allowing them to reopen the matter in appealing against the final decree.

For the sake of clearness, it seems desirable to declare that costs allowed under clause 218 during the course of the hearing should be entered in the decree, although they are not necessarily mentioned in the judgment.

Clause 206A.—Though it is not obvious from the wording of the Code, it is settled law that the Courts cannot travel outside the terms of the existing section 206 for the purpose of altering a decree not at variance with the judgment. What appears to be required is a general prohibition of alterations not authorized by the Code and a somewhat wider power, not merely to remove a variance with the judgment or to correct a clerical or arithmetical error, but also to supply on the analogy of section 202, any accidental defect not affecting the substance.

On the question whether some period of limitation should be prescribed for an application to amend a decree it is thought that the power and duty of the Court to correct its own decree is not affected by any consequences attaching to a motion by the parties. The English practice permits the correction of judgment after the expiry of the period prescribed for appeal, and the power has been exercised after the lapse of as many as thirty-nine years—see *Hutton v. Harris* (1892), A. C. 547: but it does not allow the amendment of even an accidental error where the rights of third parties are affected; as, for example, when it was sought to correct the form of a charging order after judgment had been pronounced for the administration of a debtor's estate—see *Stewart v. Rhodes* (1900), 1 Ch. 386, *per* Sterling, J., at p. 394. It is proposed to apply the same principle of equity in this country.

There is a difference of opinion on the question whether a High Court is or is not precluded from exercising, in the case of an order amending a decree, its revisional powers under section 622 of the Code. On the whole, it is thought that, in view of the explicit limitations upon the power of amendment and the importance of cancelling orders introducing any unauthorized alteration into a decree, such orders should be deemed to fall within the purview of clause (c) of the second sub-section of the proposed section 622.

Clause 209.—This provision has been re-cast and an attempt has been made to make two points clear. In the first place, the Courts seem to be agreed, and it is, therefore, proposed to declare, that the specific language of section 86 of the Transfer of Property Act, 1882, excludes the discretion here given. In the second place, the High Courts of Bengal and Bombay appear to consider that, when and in so far as a decree is for the payment of money, the rate of interest for the period after plaint and before decree is in the discretion of the Court, even if a fixed rate is mentioned in the contract as payable "up to realization" and such contract is embodied in a mortgage-bond [*Manoniram Marwari v. Dhawal Roy* (1886), I. L. R. 12 Cal. 569; *J. Carvalho v. Nurhithi* (1879), I. L. R. 3 Bom. 202]. On the other hand, the High Court at Madras would interpret section 2 of the Usury Laws Repeal Act, 1855 (XXVIII of 1855), as controlling section 209 of the Code and consequently requiring the contract rate to be awarded—see *Ramachandra v. Devu* (1889), I. L. R. 12 Mad. 485. Their Lordships of the Privy Council are of opinion that, as between parties to the suit, the Court's power in regard to interest after the institution of the suit is discretionary [*Umes Chunder Sircar v. Mussummat Zahrar Fatima* (1890), L. R. 17 I. A. 201, at p. 213], though it would naturally and properly follow any express or implied contract [*Orde v. Skinner* (1830), L. R. 7 I. A. 196, at p. 210]. It would seem that a creditor's right to recover the contract rate of interest after instituting his suit should, as a rule of working practice, be held contingent upon his conduct of the suit and should by no means follow as a matter of course where he has, for example, unduly and unnecessarily protracted the proceedings; and this is the view which it is proposed to adopt.

Clause 210.—It seems necessary to modify the language for the purpose of giving effect to the rulings which exclude mortgage-decrees from the operation of this provision.

It is proposed expressly to provide for an order postponing the payment of the decretal amount. A temporary postponement is a smaller concession than a scheme of instalments; and in many cases such a discretion might be fitly exercised without waiting, as at present, for a judgment-debtor's arrest under section 337A. This will necessitate a trifling alteration in the Indian Limitation Act, 1877, to prevent an application for execution from becoming time-barred during the period of postponement.

The existing provision requires the consent of the decree-holder to an order for instalments under the second paragraph. It is proposed to follow the precedent of section 20 of the Dekkhan Agriculturists' Relief Act, 1879, by investing the Courts with a discretionary power in such cases.

The concluding paragraph of the present section is inaccurate inasmuch as it takes no account of consensual alterations in revision or appeal or of proceedings under section 257A. It is proposed to omit it.

Clauses 211 and 212.—For reasons discussed in greater detail under clause 244, it is proposed to affirm a decision interpreting a deferred investigation into mesne profits under section 211 as a proceeding in the suit and to supersede the provisions of clauses (a) and (b) of section 244 in so far as they relegate an inquiry directed under section 212 to the execution department. There has been some discussion on the question whether a deferred investigation under section 211 is governed by article 178 or article 179 of the second schedule to the Indian Limitation Act, 1877; but it is anticipated that, under the scheme now proposed, this question will no longer arise. The inquiry will be as much a part of the suit as any other proceeding therein, with this single difference that objections to the principle of the decision must be taken in appeal against the preliminary decree, while pleas capable of being argued in appeal against the final decree will be restricted to matters affecting the amount of mesne profits. The check upon undue delay will be sought, not in the law relating to the limitation of the period for applications, but in that regulating the hearing of pending suits; and the plaintiff will be bound to prosecute the inquiry, under stress of the ordinary penalties for default, with the same diligence as though this portion of the case were a separate suit for mesne profits. With a view, however, to the further curtailment of delay and expense, it is suggested that the claim for mesne profits should not continue till actual delivery of possession, if the defendant prefers to relinquish the land with notice to the plaintiff.

The explanation at present appended to section 211 has been removed to its proper place among the definitions.

Clauses 215 and 215A.—The word "final" has been inserted because the preliminary order directing accounts to be taken will itself be appealable as a "decree" and is referred to as a "preliminary decree".

Clause 215B.—The Code, by a curious oversight, contains no provision definitely prescribing the form of a decree for the partition of an estate or the separation of a share, although a somewhat special procedure has been rendered applicable in such cases. Section 265, for example, relegates the actual partition or separation of revenue-paying estates entirely to the execution department and entrusts it to the Collector. On the other hand, section 396 contemplates, in the case of other immovable property, a preliminary order ascertaining the rights of parties, which is in itself a decree but involves a final decree upon the report of the Commissioner. These sections it is proposed in some measure to modify, and it is further intended, by an amendment of section 540, to compel the parties to exhaust their objections to the adjudication of principle by appealing against the preliminary decree before the Court proceeds to the further inquiry leading up to the final decree. The clause has been framed with a view to facilitating this procedure.

CHAPTER XVIII.

OF COSTS.

Clause 22b.—It is proposed to incorporate certain rulings which limit the recovery of costs to proceedings in execution of the order or the decree in which they should be entered.

Clause 222A.—By a separate amendment of section 86 of the Transfer of Property Act, 1882, it is proposed to remedy, in the sense of the interpretation adopted in

Bengal and Madras, a possible defect pointed out by the High Court of Allahabad in the case of *Amolak Ram v. Lachmi Narain* (1896), I. L. R. 19 All. 174, with regard to interest upon costs in mortgage-decrees.

In this clause it is proposed to embody certain rulings to the effect that an appeal for costs only lies in regard to appealable orders where a matter of principle is involved, and also to follow Their Lordships of the Privy Council by laying it down that, where an appeal as to costs alone does not lie, the matter may be argued with an appeal on other grounds as part of the costs of defending the title.

CHAPTER XIX.

OF THE EXECUTION OF DECREES.

Clause 223A.—There is a conflict of opinion on the question whether the Court executing a transferred decree is restricted to the pecuniary limits of its jurisdiction. An application for the execution of a decree, however, is an application in the suit in which the decree was obtained; and questions arising in the execution of decrees are frequently quite as important as the questions in issue in suits. It is accordingly proposed to retain the restrictions with an exception in the case of rateable distribution, under clause 205, of assets realized in execution of a decree by a Court having jurisdiction.

The expression "at the time of its institution" has been introduced to declare beyond a doubt that a Court having jurisdiction to grant a decree has also authority to execute it, even though the pecuniary limits of its jurisdiction may be subsequently exceeded by the operation of incidental causes, like a rise in the value of property or the gradual accumulation of interest. It is not easy to reconcile all the rulings on the extent of the power of a Court to sell immoveable property lying wholly or partly outside jurisdiction. The position seems to be that a Court authorized to grant a decree for the sale of mortgaged property may sell such property, even though it is situated partly out of jurisdiction; and an estate forming one revenue-paying unit, but extending over more than one district, may undoubtedly be regarded as situated in the district where the whole revenue is paid, and, possibly, where the Court holding the sale has jurisdiction; but the Courts have differed on the questions whether such powers are confined to mortgage-decrees, and whether, even in such cases, they can be exercised by Courts subordinate to the District Judge. It is proposed that a Court should always have power to sell any land included in a mortgage-decree granted by it; and that authority to sell beyond local limits in execution of a simple decree for money may be exercised upon reasonable conditions by any Court of competent pecuniary jurisdiction within which any portion of such land is situated.

It is proposed—see sub-clauses (6) and (7)—to lay it down that, while the decree-holder may apply for execution to any Court having jurisdiction, the judgment-debtor, if he desires a transfer, may move that Court alone and shall be bound to show that he will suffer substantial injury if his application is refused, the order of the Court granting or refusing the application being expressly declared to be final.

Clause 223B.—It appears expedient, more especially where a decree will eventually have to be executed concurrently in several places, to authorize immediate attachment by precept.

Clause 223C.—The rule requiring a decree sent to another district for execution by a subordinate tribunal to be transmitted through the District Court tends to delay, and it is proposed, with certain limitations, to extend the power of direct transmission already existing where both Courts are situated within the same district.

The saving aimed at by the proviso to sub-clause (6) will supersede a ruling to the effect that a subordinate tribunal has no jurisdiction without an order under section 226; and sub-clause (7) will dispense with a needless formality sometimes insisted upon in the case of Courts exercising small cause, as well as ordinary, jurisdiction.

Clause 224.—It is at present the duty of a Court to which an application for execution is presented, to satisfy itself that the application is not time-barred. Where, however, the proceedings are confined to a mere application for transfer of the decree for execution, it should be sufficient if the Court satisfies itself *prima facie* and transmits a copy of the last application as contemplated by the second schedule to the Indian Limitation Act, 1877, article 179, No. 4.

It is proposed to incorporate a ruling to the effect that the words "copy of any order" refer to subsisting orders, including those under section 248.

Clause 226.—The amendment follows that introduced into clause 223C (1).

Clause 228.—The general tenor of the rulings under this provision is to the effect that the Court to which a decree has been transferred is bound to execute it according to its terms, and has no authority to decide questions relating to the right to execute, though it may stay proceedings under section 239. It is proposed to amend the wording of the section with a view to giving statutory authority to this principle, subject to an obligation to refer such points for decision to the Court passing the decree and a discretion to proceed with the execution where an objection is plainly groundless and is made for the purpose of obstruction and delay. As to whether a Court executing a transferred decree may decide a question of limitation, it is proposed to leave the determination of this, among other questions of right, to the Court which passed the decree, but to make an exception in the case of questions relating to the extent of the liability of a legal representative entered on the record by the Court passing the decree. Such entry may be directed without deciding the question whether the legal representative has or has not any assets, and the Court actually executing the decree is in the best position for determining whether any specific property is liable.

Sub-clause (4) has been added with a view to empowering Courts executing transmitted decrees to transfer them from Court to Court direct. Under the existing practice, this procedure is not permitted; and unreasonable expense and delay, often defeating the entire purpose of the application, is occasioned by the necessity for the return of the decree in such cases to the Court passing it and for the institution of a fresh proceeding for transmission.

Clause 229.—At present, a decree obtained in a Scheduled District to which the provisions of Chapter XIX have not been extended, cannot apparently be executed under the Code. It is proposed to revert to the provisions of section 284 of Act VIII of 1859, which placed such decrees on the footing of those obtained in a foreign Court.

Clause 230.—It is discretionary with the Court either to grant or to refuse execution at the same time against the person and the property of the judgment-debtor. At present however, an appeal lies on the question whether this discretion was properly exercised but the efficacy of an order for simultaneous execution depends entirely upon its promptness, and it is proposed to give finality to the Court's decision.

A decree for the sale of mortgaged property in a suit for sale upon a mortgage-bond has been held not to be a decree for the payment of money within the meaning of the present section 230, even though the judgment-debtor is personally liable for any deficiency. It is proposed to extend the application of the provision to such decrees.

At the same time, it appears expedient that the limitation here contemplated should be a bar to fresh applications where, for any reason other than mere informality with reference to the provisions of clause 245, the attempt to execute the decree has been abandoned. On the other hand, "any fresh application" has been substituted for "subsequent application" with a view to rendering it clearer that ancillary applications merely to complete arrested execution are not obnoxious to the bar.

Occasion has been taken to embody certain rulings to the effect that decrees directing periodical payments are within the meaning of clause (b) of the present section. A decision including transfers of decrees among orders for execution has also been incorporated.

The present section, which prescribes an absolute period of limitation and is apparently rendered applicable to a High Court by the language of section 638, is in conflict with article 180 of the second schedule to the Indian Limitation Act, 1877, which permits a revivor in the case of decrees of High Courts established by Royal Charter and orders of His Majesty in Council. It is proposed, therefore, to invest with statutory authority the rulings which declare that article to be independent of the section.

The precise meaning to be assigned to the expression "granted" has occasioned much discussion. It is proposed to give effect to the general purport of the case-law on the subject by making limitation depend upon an order for execution either without or after the notice referred to in clause 248.

Clause 231.—This provision should not apply where execution is, by the terms of the decree, dependent upon a joint application.

Effect is proposed to be given to a ruling of the Privy Council by negating the decisions to the effect that a joint decree-holder cannot apply for execution of a decree to the extent of his fractional interest.

Clause 232.—The additions are intended to remove any doubt in regard to the power of the transferee of the interest of one out of several joint decree-holders to apply for execution.

Clause 234.—Section 210 of Act VIII of 1859 permitted execution in the alternative against the legal representative or the estate of a deceased judgment-debtor. The term "legal representative" in section 231, however, does not include a stranger who, not being a party to the decree, is in possession of the property of the deceased. It is proposed to revive the alternative remedy against the estate and so remove the doubt as to the power to proceed in execution against the property of a deceased person taken by members of a joint family not in the capacity of legal representatives, but by survivorship. Where property has actually been sold by order of the Court executing the decree, it is probable that no alteration of the law is required. The addition proposed would, however, appear to be necessary to meet the case of a judgment-debtor dying before the sale is effected.*

Clause 235.—A few particulars suggested by the practice of the Courts have been included; and a paragraph has been added with the object of requiring every application for execution to be accompanied by a copy of the decree.

Clauses 230 (3) and 243.—It seems expedient to invest a Court with power to enforce compliance with any terms or conditions imposed by it.

Clause 244.—In various quarters it has been suggested that inquiries into the amount of mesne profits should in no case continue to be a matter for the execution department but should be treated invariably as an integral part of the suit. This suggestion raises questions of some difficulty from the standpoint of practical procedure rather than of strictly legal principle. Logically, no doubt, the duties of execution do not arise until the amount of mesne profits has been ascertained and the successful party is in a position to apply to the Court under section 230, with all the formalities prescribed by section 235 in order to realize the sum as though it were the subject of a decree for the payment of money. Where, however, mesne profits are awarded under section 211 from the institution of the suit until delivery of possession or for a period of three years from the date of the decree, it may be contended that, even at the cost of strictly scientific classification, there would be some practical convenience in treating the suit as completed with the adjudication on the general question of rights and leaving the inquiry into subsidiary details, such as the precise amount of profits, to be settled at leisure in execution. Nevertheless, precisely in these cases the determination of the amount has been held to be essential to the decree and cannot be relegated to execution proceedings. Where, on the other hand, such profits have accrued before the institution of the suit, it might be argued that, as the amount is to be ascertained for a specific period and is affected by no uncertain contingencies arising after the decree, the Court might not unfairly be required to postpone its final order until the matter has once for all been settled in the suit. Here, on the contrary, it is open to the judge, under section 212, to pass a decree for the property and to direct an inquiry into the amount, which, under clause (a) of section 244, may be determined by the Court executing the decree. Under clause (b), moreover, substantive power is given to the Court executing the decree to determine questions regarding the amount of mesne profits accruing after the date of the institution of the suit. The matter resolves itself largely into a question of departmental convenience; but on the whole it would seem that, while the canons of legal principle admittedly require the inclusion of such inquiries in the suit itself the arguments from convenience in favour of treating them as questions of execution are liable to be overstated. The ascertainment of mesne profits seems no less proper an object of the final decree in a suit than the allotment of shares after a preliminary decree for partition or the settlement of accounts after a preliminary decree for the dissolution of partnership. The provision has been amended tentatively in accordance with this view.

The first explanation has been added in order to give effect to certain reported cases deciding that "representative" in section 244 includes not merely "legal representative", in the sense of executors or administrators, but "representatives in interest" in so far as that interest is bound by the decree. It is proposed similarly to embody the rulings to the effect that a question arises within the purview of this provision where attachment is objected to on the ground of an independent title to the property, and that an objection on the ground of fraud is covered by the clause even though the purchaser was no party to the decree.

Clause 245.—In order to meet various difficulties which have been raised regarding defective applications, it is proposed to enact that, until an application returned under this section is presented with such amendments as the Court may have required, it shall not be deemed to be in accordance with law. When once, however, an application has been admitted, it should be deemed to be in accordance with law for purposes of limitation—see article 179 of the second schedule to the Indian Limitation Act, 1877—even though it is eventually dismissed after hearing the parties. On the other hand, to prevent dismissals for defects of form not affecting the merits, it appears expedient to allow the Court, even after admission, to allow any amendment not converting an application into one of another and inconsistent character.

Clause 246.—The first explanation has been incorporated in sub-clause (1), and the provision has been re-cast. The explanation appearing in the revised draft and the new *Illustration (d)* embody a ruling, which lays it down that a decree obtained against the assignor in a suit pending at the date of the assignment is within the meaning of sub-clause (2), if the assignee had notice of such suit. Sub-clause (4) has likewise been added to make it clear that the holder of a decree passed jointly and severally against several judgment-debtors, one of whom holds a decree passed against such decree-holder singly may treat his joint decree as a cross-decree.

Clause 248.—No useful purpose is served by the issue of a notice under the present section 248 where the Court is moved not to execute the decree itself, but to transfer it to another Court for execution. There is room for divergence of opinion on the question of the precise effect of failure to apply to the Court passing the decree for an order under section 234 before moving the Court executing the transferred decree to issue a notice under clause (b) of section 248. In such a case no separate order under section 234 should be required. And it is proposed to supersede a decision to the effect that no title was acquired under a certificate of sale granted by a competent Court as against legal representatives without notice under section 248.

Clauses 248A to 249.—The necessity for some definite procedure is generally admitted. One of the principal objects of the draft now suggested is to prevent delay and uncertainty by compelling creditors to put the Court in a position to proceed until their claims are satisfied and by prescribing somewhat more clearly what classes of orders operate as a bar to applications and objections. It will be observed that the proposed new sections 248I to 248H will materially affect the existing law with regard to striking off application granted. At present a decree-holder whose application has been "struck off" may apply again, inasmuch as the Code and the Indian Limitation Act, 1877, contemplate a series of applications, whether leave to renew dismissed proceedings has or has not been granted. No doubt, a decree-holder, who has from time to time to trace and identify his judgment-debtor's property, cannot be expected to prosecute the execution-proceeding with the regularity and continuity exigible in a suit. At the same time, the existing practice, by encouraging the decree-holder to drop successive applications without informing the Court, tends to throw proceedings into confusion and uncertainty. It may moreover, be apprehended that the want of any inducement to press on the execution to conclusion results in the practice of merely keeping alive the decree with the object of harassing the judgment-debtor by allowing interest to accumulate. It seems desirable therefore, to declare that execution-proceedings, once started, must be continuous, and to impose penalties for default, but, on the other hand, to afford a decree-holder reasonable facilities for staying proceedings and having them removed from the file.

Clause 253.—In view of conflicting rulings on the wording of the present section, it is proposed to make it clear that the summary procedure contemplated by it should apply to suretyships for the performance of any original or appellate decree or for the payment of money under any order of the Court in any suit or proceeding consequent thereto.

Clause 254.—It has been held that a judgment-debtor, once discharged, cannot be again arrested under the same decree, provided that he has actually been imprisoned under the first arrest. A statement of this general rule should, it is thought, find a place in section 254; but it is not reasonable that imprisonment cancelled by an appellate or revisional order should operate as a bar; and an exception is manifestly demanded where a judgment debtor has failed to comply with the conditions of his release.

Clause 255.—The power of attachment should plainly be limited by the amount recoverable on the basis of the court-fees deposited.

Clause 257A.—It is proposed to supersede the interpretation of the word "void" as meaning that unsanctioned agreements are not in their nature illegal, but are merely incapable of being enforced by way of execution, and also to overrule the construction

that the sanction of the Court is not essential to the legality of such agreements if they are effected with a third person on behalf of the judgment-debtor. It would follow, however, that, if unsanctioned agreements are in future to be illegal, the existing view that they may be pleaded as acknowledgments of liability extending the period of limitation, ought to be negatived, and sub-clause (4) has, therefore, been added.

Clause 258.—Though the reasons for insisting upon the certifying of payments and adjustments may be most urgent in the case of money-decrees, it seems expedient to make it clear that the decree-holder must in all cases keep the Court informed. At the same time it is thought necessary to negative certain rulings to the effect that a decree-holder is entitled to prove uncertified payments in any but criminal proceedings in order to obtain any benefit therefrom or to base any defence thereon. A provision to this effect has, therefore, been substituted for the third paragraph of the present section.

Clause 259.—To prevent recurrence of misconception in practice, additions have been made to this section and to section 260 to the effect that the imprisonment capable of being awarded under these sections is governed by the limits prescribed by section 342. The opportunity has been taken to supersede an inconvenient decision construing the existing section as inapplicable to property not in the possession of the judgment-debtor.

Clause 260A.—Under the Code as it now stands, a Court cannot refuse to execute a decree for the restitution of conjugal rights by the attachment of the person or property of a recalcitrant judgment-debtor; but in England this mode of execution has been put an end to by the enactment of the Matrimonial Causes Act, 1884 (47 & 48 Vict., c. 68), it is thought that some relaxation of the provision in force in India is desirable, but it is extremely doubtful whether it should go as far as this. The question is of great difficulty and delicacy, and for the present it is proposed tentatively only to give the Courts discretion in the matter and to enable them to follow a procedure slightly adapted from the English practice in the cases in which attachment and imprisonment appear inappropriate.

Clause 261.—It is here proposed to incorporate a ruling to the effect that endorsements operating as conveyances of immoveable property exceeding one hundred rupees in value require registration.

Clause 263.—An attempt has been made to amplify this provision so as to meet some of the difficulties encountered in practice with regard to co-sharership, the forcing of entry, the disposal of growing crops and certain similar matters not provided for by the present Code.

Clause 265.—The primary object of the existing section is to prevent the annulment of joint responsibility for the payment of the land-revenue, and it is, therefore, suggested that it should be confined to decrees for the partition, or for the separate possession of a share in the whole, of an undivided estate assessed and liable as such to the payment of undivided revenue, and that, if the joint responsibility for the payment of revenue is affected, the process should be carried out by the Collector. A raiyatwari-tenure has been excluded in view of the special circumstances of, for example, Madras.

Clause 266.—In view of the definition of "stock" in clause 2, several particulars enumerated as saleable property have been omitted. The proposed exemption of cooking-utensils will, it is believed, surely give effect to a practice already more or less accepted between litigants in many parts of the country. Personal ornaments have already been held to be exempt, if forming part of a wife's *stridhan*, from attachment in execution of a decree against a husband, even though the Hindu law concedes him a personal right of user, but doubts attach to a reported decision exempting the necessary ornaments of a Hindu woman as forming part of her wearing apparel.

A verbal addition to sub-clause (b) has been necessitated by the proposals, contained in clause 269B, with reference to the attachment of growing crops.

The amendment of sub-clause (c) follows rulings to the effect that the provision does not prohibit the sale of property specifically mortgaged although such property includes the materials of a house belonging to and occupied by an agriculturist, and that the exemption extends only to the dwelling-house occupied by an agriculturist as such or, after his death, by his representative and to the farm buildings appended to such dwelling-house.

In sub-clause (e) a decision including "mesne profits" in damages has been embodied for the sake of clearness.

It has been held that the expression "salary" in clause (h) includes half-pay allowances during absence on sick leave, and it is thought that, as a matter of public policy, the whole of these should be exempted from attachment.

The insertion of clause (ii) follows the provisions of the Provident Funds Act, 1897.

Clause 267.—The opportunity has been taken to incorporate a decision construing liability to seizure as including liability to attachment.

Clauses 268 to 268D. The provisions of the present section 268 have been limited to moveables other than debts, including stock or property deposited in, or in the custody of, any Court. As regards these it is now proposed to adapt in clauses 268A to 268D the summary procedure contained in O. xlv of the Rules of the Supreme Court on the subject of the attachment of debts. There appears to be a general consensus of opinion that the existing provisions of the Code are in this connection both cumbrous and inadequate.

It seems expedient, however, to remove certain difficulties suggested by Indian practice. In the first place, the wording of section 268 as it stands has been criticized as leaving it doubtful whether debts enforceable only by foreign Courts can be attached, and whether the mere absence of the garnishee from British India operates as an ouster of jurisdiction. The first proviso will remove these doubts, the second proviso will invest with legislative authority a decision relieving the decree-holder of the necessity for specifying the exact amount of the debt, and also a ruling which renders the Court responsible for satisfying itself of the existence of a debt denied, and the third proviso will settle the disputed point whether an attachment under clause (a) of the existing section 268 does or does not permit the institution of a suit for the recovery of a garnished debt. Finally, in order to simplify procedure and remove a mass of conflicting case-law, it is proposed once for all to declare mortgage-debts to be moveable property attachable under this provision.

Clause 268E.—Special rules for charging orders on debts taking the form of "stock" have been adapted from the provisions of sections 14 and 15 of the Judgments Act, 1838 (1 & 2 Vict., c. 110), and section 1 of the Judgments Act, 1840 (3 & 4 Vict., c. 82), as now applied by O. xlv of the Rules of the Supreme Court. It is believed that the circumstances of this country, where the practice of holding property in the name of ostensible proprietors is very common, do not render the introduction of a summary method of execution any the less expedient because the investigation into the question of beneficial ownership is comparatively more complicated than in England.

Clause 268F.—The provisions here suggested are not altogether a novelty in the history of execution. Officers of the army serving in this country whether they do or do not belong to the Indian forces, are public officers within the meaning of the Code of Civil Procedure. Under section 151 (3) of the Army Act 144 & 45 Vict., c. 58) such officers were liable to stoppage of one-half of their pay in execution of decrees and such orders remained in force wherever the judgment-debtor was in India. When this provision was repealed as a sequel to the abolition of the Courts of Request, an addition was made to section 136 by the Army (Annual) Act, 1895, to legalize deductions authorized by any law passed by the Governor General of India in Council. This provision, in view of the definition of "public officer", placed military and civil officers on the same footing for the purposes of attachment under the Code of Civil Procedure. Owing to the comparatively more frequent and rapid transfers of military officers to places at a considerable distance, attention has been directed somewhat more pointedly to an inconvenience which, to a greater or smaller extent, is experienced in connection with the various branches of the public services in India. A public officer, whatever the amount of his indebtedness, remains, by virtue of statutory exemption, in enjoyment of one moiety of his salary, while his creditor, by reason of the application of the provisions relating to local jurisdiction, must follow him from Court to Court all over the country with troublesome and expensive applications for transfer and attachment. It has, moreover, been represented that a tradesman at a distance ought not to be burdened with responsibility for tracing out the actual officer disbursing the salary; and the facts of an incident reported disclose that it is possible, in practice, for a public servant acting as his own paymaster to place the most serious obstructions in the way of execution. In these circumstances, it is proposed to revert, in substance, to the provisions of section 151, sub-section (3), of the Army Act, but to extend them to all public officers, railway servants and servants of local authorities; and to cast the responsibility on the Government or the company or authority concerned for making its arrangements for receiving notice and for effecting the proper deduction. As a corollary to these suggestions, it is believed that the order may reasonably

be declared effective, not merely while the judgment-debtor is in India, but while he is in receipt of emoluments from the Indian revenues or from the funds of an Indian local authority or of a Railway Company carrying on business in British India.

Clause 268G.—It has been strongly represented that, for the protection of commercial enterprise, the rules relating to the attachment of any interest in partnership property should be assimilated to the English practice. At present the Indian case-law on the subject is somewhat conflicting. It is thought that, at any rate in the commercial centres, the time has arrived for introducing the provisions of section 23 of the Partnership Act, 1890 (53 & 54 Vict., c. 39); but how far they are likely to be useful when applied to the family business forming portion of the joint estate of Hindus is a matter which will require further consideration. The enactment in question has, therefore, been tentatively adapted as clause 268G, sub-clauses (1) to (3), to which sub-clauses (4) and (5) embodying the simplified procedure directed by O. xlv, rr. 1a and 1b, of the Rules of the Supreme Court, are merely ancillary.

Clause 269A.—The definition in clause 2 of "growing crops" and their inclusion in the category of moveable property will remove perhaps the most valuable assets of the country from the operation of the cumbrous procedure rendering their effective attachment almost impossible and will subject them to the short and sharp process of seizure. In the interests, however both of creditor and debtor, some special provisions are demanded by the peculiar character of the subject. In order to secure to both parties the fullest value from the property attached, the crop must be allowed to mature in the usual course of husbandry, and actual seizure must, therefore, take the shape of such arrangements for custody as the Court may deem sufficient, having regard to the variety of local conditions of tillage and the nature of the products affected. In this connection, however, the experience gathered from the working of sub-section (1) (g) of section 122 of the Bengal Tenancy Act, 1855, discloses that the decree-holder can and should be required to inform the Court, in his application, of the time at which the crop is likely to be cut or gathered. On the analogy of section 126 of the same enactment, which has its counterpart in the rent-law of other provinces, it is proposed to empower the judgment-debtor to continue to perform all acts of husbandry and, if he endeavours to defeat the attachment by neglecting the crop, the decree-holder will be authorized to intervene and to protect his interests. The effect, however, of permitting a growing crop to be cut or gathered will be to remove it from the definition in so far as it will have ceased to be "attached to the soil", and it is accordingly proposed to enact that, to avoid any possible difficulty analogous to that now arising in regard to the continuance of the attachment of a crop ceasing to be "immoveable property" after being severed, the attachment should continue after cutting or gathering. A discretion to suspend attachment when the period of maturity is distant and a discretion to refuse applications presented within twenty days before the maturity of a crop not lending itself to storage, have been borrowed from sections 123 (4) and 124 of the Bengal Act.

Clause 269B.—This clause proposes to invest the Local Government with power to exempt, with a saving in favour of first charges for rent and revenue, a reasonable portion of the "growing crops" of an agriculturist judgment-debtor for the purpose of providing for the due cultivation of his land and for the support of himself and his family. The suggested provision is only an expansion of the principle already accepted with regard to implements, cattle, seed-grain and houses in clauses (b) and (c) of section 266, and is analogous to the protection afforded to agriculturists in several enactments, more especially in section 22 of the Dekkan Agriculturists' Relief Act, 1879.

Clause 273.—It is proposed to remove a defect disclosed by a recent ruling to the effect that a decree upon a mortgage is not a decree for money within the meaning of this provision.

It is further proposed—see sub-clause (4)—to enact that a person attaching a decree is the representative of the decree-holder within the meaning of clause 244 (b) and is in every case entitled to enforce execution of the attached decree.

It seems reasonable to provide for some notice in this connection to the judgment-debtor, who may otherwise make a payment in ignorance of an order under this clause. To require the holder of the attached decree to inform his judgment-debtor seems the fairest and most effectual method of supplementing notice through the Court.

There is an inconvenient divergence of practice with regard to the sale of attached decrees. On the whole, the sale of such decrees appears to be undesirable, and it is proposed to add a sub-clause to discountenance it, an attaching creditor being left to his remedy by execution.

Clause 274.—At present, inconvenience and uncertainty are occasioned by the indefinite character of attachments of immoveable property. They remain in force until withdrawn even though no serious effort is being made to prosecute the claim; and the Courts are constantly overlooking the necessity for withdrawing them even after proceedings in execution have terminated. In these circumstances, it appears desirable to limit them to a specific period capable of being extended in the discretion of the Court executing the decree.

With reference to the scope of this provision, it has been held unnecessary to issue an attachment in the case of a mortgage-decree containing a direction to sell. It is accordingly proposed to declare attachment unnecessary where the property is already liable to sale in consequence of the lien created by the mortgage in suit.

Clause 275.—The difficulties occasionally arising in connection with proving the withdrawal of an attachment may, it is thought, be reduced by adopting the procedure prescribed for the due publication of the order.

Clause 276.—It is here proposed to embody a ruling to the effect that claims for the rateable distribution of assets are claims enforceable under an attachment within the meaning of this provision.

Clause 278.—It is proposed to overrule the generally accepted interpretation of this provision by expressly extending it to mortgage-decrees as well as decrees for the payment of money, and also to render it more precise by regulating the form of the proceedings on the analogy of section 331.

The existing language of section 279 is not quite consistent with that of section 280. Though, no doubt, the object of the investigation contemplated is to provide a speedy and summary remedy, it seems expedient, in order to render it effective, to require the claimant or objector to show that he was possessed of the property attached otherwise than as an agent of, or trustee for, the judgment-debtor, or that he had such an interest therein as would render the possession of the judgment-debtor that of an agent of, or trustee for, such claimant or objector. At the same time, however, it is essential to enact that both the decree-holder and the judgment-debtor, whose interests are usually hostile though they litigate under the same title, can demand, like the claimant or objector, the right also to adduce evidence.

Clause 283.—As a matter of policy, it is desirable that, so far as possible, all rival claims and objections should be advanced and determined before the sale of the property attached. Otherwise, a low price is obtained for an uncertain title, with the result that the judgment-debtor often loses much of the value of his property, the decree-holder finds a proportionate difficulty in realizing his claim, and the auction-purchaser is involved sometimes for years, in troublesome litigation. But the present section is calculated to deter a possible claimant or objector from having recourse to its provisions and to encourage him rather to remain passive and to resist any attempt to obtain possession. Ordinarily, such a person would have six years under article 120 of the second schedule to the Indian Limitation Act, 1877, to sue for a declaratory decree or twelve years under article 144 to sue for recovery of possession of immoveable property. If, however, he has recourse to the summary procedure allowed by this section, the period of limitation is, by virtue of article 11, absolutely curtailed to one year whatever the nature of the investigation, or the form of the suit, unless the Judge has refused to make any inquiry, or the attachment has been removed for payment of the decree or any other reason, or the order has been passed without jurisdiction, or is not adverse to the plaintiff in the subsequent suit. There is some doubt on the question whether the one year's period of limitation does or does not arise where the application has been struck off for default. Moreover, the application of the provision is shown by the numerous decisions on it to be in the highest degree uncertain. It is thought that, in view of the publicity of an attachment by a Court and the importance of rendering judicial proceedings both speedy and effective, it would not be unreasonable, unless the attachment has been removed, to bar the raising of any claim or objection which might, with ordinary care and diligence, have been made under section 278 and to limit the remedy of an unsuccessful claimant or objector to the suit here referred to.

Clause 285.—The interpretation of this provision has occasioned some confusion. An attempt has been made to settle the matter by rendering the clause applicable both to moveable and immoveable property and modifying the language so as to make it plain that two or more attachments must be actually subsisting. A saving of the validity of proceedings taken without notice has been inserted; and the formal transfer of a decree for the purposes of a rateable distribution of the assets realized has been declared unnecessary;

but, while proceedings subsequent to a still subsisting attachment are not to affect the operation of the provision, it is suggested that its applicability should terminate, once for all, with the sale of the attached property in execution of any one of the decrees. Finally, with a view to providing for the grade of Courts of Small Causes, it is proposed to revert to the language of section 5 of Act VIII of 1859.

Clause 287.—It is proposed to follow a practice obtaining in the Presidency of Madras and to require the decree-holder to assist the Court by ascertaining and communicating the particulars to be specified in the proclamation of sale. At the same time, it is scarcely fair to expect from him an exact appraisal of value of the property to be sold. Sub-clause (5) has, therefore, been added in order to supersede the existing practice under which applications are constantly dismissed for honest under-statements of value which the decree-holder has had little means of ascertaining and which the Court might, by inquiry, have ascertained correctly.

As the object of these proceedings is to give notice to intending purchasers rather than to the judgment-debtor, it would seem expedient to notify, at the time of sale, any information coming, after issue of the proclamation, to the knowledge of the parties or of the Court executing the decree. And, as the rejection of a claim preferred or an objection made under section 278 opens up the prospect of litigation under section 283, it is manifest that the intending purchaser should have notice of the matter. An addition has been made on these lines.

Clause 289.—The substance of the leading decision on the subject of the division of a joint area into lots has been incorporated.

Clause 291.—Though sections 291 and 310A of the present Code are somewhat inconsistent with section 89 of the Transfer of Property Act, 1882, it is considered desirable to enact that they apply to sales in the execution of decrees for the enforcement of mortgages.

Clause 293.—There is a marked difference of opinion as to whether an order under this provision is or is not appealable. The proposal is to remove this conflict by adding such orders to those enumerated in section 588 and so provide for an appeal from them.

Clause 293A.—Purchase through an agent vests the property in the principal, who consequently is alone subject to summary process for recovery of any deficiency in the sale-price by reason of default. Much inconvenience may be occasioned by a bidder purchasing professedly on behalf of a principal but really without authority or with the knowledge that the obligations incurred will not be performed. Such a case is not met by the provisions of section 185 of the Indian Penal Code, which it is accordingly proposed here to re-enact in an adapted form.

Clause 294.—The application of the present section to mortgage-decrees has been much discussed. Properties are often mortgaged for sums considerably below their market-value, and, owing to the reluctance of the public to bid against a mortgagee decree-holder, the most inadequate prices are sometimes realized at auction-sales. As the grant to mortgagee decree-holder of permission to bid or purchase is a concession and not a right, it is proposed to place upon it the condition that the claim under the mortgage-decree will be treated as the upset-price.

The expression "amount due on the decree" is misleading, inasmuch as the provision must be read subject to section 295 and consequently relates only to the portion of the assets coming to the decree-holder.

Clause 295.—The object of this provision is to expedite and cheapen the execution of decrees against the same person by adjusting the claims of rival decree-holders without the necessity for separate proceedings. If, however, the property is not sufficient to satisfy all the claimants, the wording, as judicially interpreted, holds out an inducement to the attaching creditor to settle out of Court with the judgment-debtor at the expense of the other decree-holders. Thus it has been held not to cover money received from a judgment-debtor under arrest or money voluntarily paid into Court before sale. It is proposed, therefore, to widen the language by referring to "assets held available for distribution" rather than to "assets realized", and to add an explanation to the effect that the assets realized by a sale should not be held to be available for distribution until the entire amount due from the purchaser has been paid into Court. Further, it is proposed by the amplification of the first paragraph to negative the existing right of one creditor to realize assets privately from the judgment-debtor in prejudice to the claims of others. The opportunity has at the same time been taken to supersede a decision disallowing the claim of a decree-holder to share in a rateable distribution by right of an attachment obtained by him

before judgment, and to incorporate certain rulings to the effect that a decree for the payment of money includes every decree in virtue of which money is payable, whether the amount is ascertained or not, but does not include a decree which merely renders a judgment-debtor personally liable for any deficiency after the sale of hypothecated property though one and the same decree may be a mortgage decree against one person and a decree for the payment of money against another. It is also proposed to abolish the existing distinction according to which the holder of a decree against two persons may apply for the rateable distribution of assets realized from the property of one of them, while the holder of a decree against one person is debarred from applying for such distribution of assets realized from property belonging to that person and another; also to act upon the view taken in Bengal and declare that these provisions are not limited to decrees transferred for execution to the Court competent to determine claims and objections under the present section 285. Another suggestion is that an application for rateable distribution of which the judgment-debtor has notice should, subject to any objection and any order thereon, operate as a substantive attachment, instead of lapsing, as at present, when the original attachment terminates. A verbal alteration in the second sub-head of the third proviso is intended to cover the costs of suit incurred by an incumbrancer, to which apparently through an oversight, there is at present no allusion.

Clause 295A.—The principles which it is proposed to adopt with regard to the attachment of growing crops—see clause 269A—require the introduction here of provisions based on those of sections 127 and 129 of the Bengal Tenancy Act, 1885.

Clause 297.—An attempt has been made to check the litigation attendant upon the sale of moveables belonging to the judgment-debtor and a co-owner. Where the property is not of the nature referred to in clause 296, the fairest solution is to concede to the co-owner a right of pre-emption analogous to that conferred by the present section 310 and at the same time debarring him from any remedy, other than participation in the proceeds, where he has failed to purchase and is unable to show that, in spite of due care and diligence, he had no notice of the sale.

Clause 305.—It is thought expedient to invest the Court with a discretion to impose terms with regard to a postponement, and to remove, by an addition to the present section 588, any doubt as to postponement orders being appealable.

In the case of a mortgage-decree, however, the right of sale does not depend upon the attachment in execution, and it is accordingly proposed to declare such cases to be an exception.

Clause 306.—The Courts have differed on the question whether failure to make the deposit here prescribed vitiates the sale. It is proposed now to settle the point by declaring in clause 311 that such a default is a material irregularity.

Clause 307.—The section has been slightly amended to render it clearer that the purchaser is bound to see that the money reaches the Court in time, and an explanation has been added to distinguish the closing of the Court from that of its office.

Clause 310.—It is proposed to extend this provision to the sale of the rights and interests of a mortgagee in a share.

Clause 310A.—It is proposed to apply this provision to all decrees, including those for the enforcement of a mortgage, and to make certain consequential amendments—see the fourth schedule—in sections 89 and 90 of the Transfer of Property Act, 1882. As the relief here contemplated is contingent upon satisfying the decree-holder, it is proposed to make it clear that it extends to any person either owning the property or holding an interest acquired therein before the attachment (if any) leading up to the sale. On the other hand, the guarantee thus given to the decree-holder bringing the property to sale should, in fairness, be extended to all others entitled to rank, by application under clause 295, in a rateable distribution of the assets.

Where separate lots are sold in execution of a decree, there is no reason for refusing liberty to apply to set aside the sale of one lot, and an amendment superseding a ruling to the contrary has been inserted. The addition of the words "or prosecute" in the proviso to sub-clause (2) is intended to give effect to a ruling which refuses to place a literal interpretation upon the phrase "make an application".

The extent to which orders under section 310A are appealable has occasioned some discussion. It is now proposed to treat them as appealable and to avoid all further question by making the necessary addition to the list in clause 588.

A practice tending to render the sale less secure has arisen in consequence of certain rulings to the effect that, where an officer of the Court has miscalculated the amount of the deposit required, a judgment-debtor is entitled, *ex debito justitiae*, to have the sale cancelled. It is accordingly proposed to incorporate another ruling which limits the benefit of the provision to a *bona fide* mistake arising from a miscalculation by an officer bound to inform the judgment-debtor of the correct amount to be deposited.

Clause 311.—It is proposed to enact the principle of a series of rulings to the effect that a person entitled to share in a rateable distribution of assets is authorized to apply under this provision.

Here again much discussion has arisen on the precise meaning of the expression "any person whose immoveable property has been sold," and it is proposed to make it clear that all persons who would, to the extent of their interests, be entitled to sue for cancellation of the sale and recovery of the property, are included.

The greatest difficulty has been caused by a too lax interpretation of the reference to *proof of substantial injury by reason of the material irregularity complained of*, there being a tendency to treat a mere inference from the co-existence of an irregularity and an inadequate sale-price as sufficient to establish a causal connection. Such presumption it is proposed to exclude by inserting the words "by direct evidence" in this connection.

The reason for the added *Explanation* has been given in the note to clause 306 above.

Clause 313.—The additions are intended to incorporate certain rulings, the principle of which appears to be sound.

Clause 312.—The Courts are apt to overlook the necessity for passing an order confirming the sale. To avoid the serious inconvenience arising from such omissions, it is proposed to omit the present section 314 and to declare that, in the absence of objections or after their dismissal, the sale shall *ipso facto* become absolute. It may be added that, since the passing of the amending Act V of 1894, the first and second paragraphs are inaccurate and require supplementing by a further exception in favour of "section 310A".

Clause 315.—The provisions of the present section appear to be defective. An auction-purchaser seeking to obtain possession discovers that the property has already been sold, possibly in execution of another decree. It may be that, without any fault on his part, he has no remedy under section 313 owing to efflux of the sixty days' period prescribed by article 172 of the second schedule to the Indian Limitation Act, 1877. Under these circumstances, he must seek a "finding" under the second paragraph to the effect that the judgment-debtor had no saleable interest in the property and that the purchaser is for that reason deprived of it. The language here employed seems to require a proceeding to which the judgment-creditor was a party or of which he at least had notice. While a purchaser is entitled to proceed by separate suit, it is not always necessary, and it may be futile, to refer him to such a remedy; and the period of limitation is not sixty days from the date of sale under article 172, but three years from the accrual of the right under article 178 of the second schedule to the Act of 1877. It is thought that a summary remedy should be open to the purchaser if there has been no finding in a suit or other proceeding of which the decree-holder has had notice. At the same time, it is suggested as essential for safeguarding the interests of auction-purchasers, that, where there has been a finding in a suit or other proceeding without notice, and the purchaser has in fact been deprived of the property, the finding should be presumed to be correct, unless the decree-holder can show good reason for opposing the refund.

Clause 316.—Under section 35 of the Indian Stamp Act, 1899 (II of 1899), a sale-certificate cannot be registered unless it has been duly stamped. Though the matter is not free from difficulty, it would seem, and it is proposed to enact, that the sale-certificate should not be granted until the auction-purchaser has furnished the requisite stamp-paper for its engrossment. It would seem convenient at the same time to incorporate and reproduce here the provisions contained in the second paragraph of section 89 of the Indian Registration Act, 1877 (III of 1877).

Although sections 17, 32, 58, 61 and 89 of the Act just referred to except sale-certificates from the ordinary procedure in registration, they leave it somewhat doubtful whether the action of the Court does or does not complete the registration of the certificate. The procedure laid down in the case of sale-certificates would seem sufficiently to meet the objects contemplated by registration; and it is accordingly proposed—see the fourth schedule—to declare by an addition to section 89 of Act III of 1877 on the lines of

section 61 of that enactment, that "the filing of such copy or copies shall have the same force and effect as registration".

The opportunity has been taken to add an explanation incorporating two rulings, which declare that the words "subsisting decree" mean a decree which is unreversed, even though, at the time of sale, execution was barred by limitation.

Clause 317.—It is here proposed to settle a disputed point by laying it down that this provision is a bar to a suit instituted by a decree-holder or mortgagee for a declaration that the property belonged to the debtor and not to the ostensible owner.

Clause 318.—A doubt has been raised as to whether article 178 of the second schedule to the Indian Limitation Act, 1877, does or does not govern an application for a certificate of sale. If, as proposed under clause 316, the grant of such a certificate is declared to be contingent upon the payment of the stamp-duty, the principal argument for holding article 178 inapplicable would be concluded, since the Court would cease to be bound to issue the certificate as a matter of course. On the other hand, it is settled law that the right of a purchaser to apply for possession accrues when the certificate has been issued to him. There appears to be no necessity for giving the purchaser one period of three years to apply for his certificate and another to move the Court under this provision, and it is, therefore, suggested—see the fourth schedule—to amend the Act of 1877 so as to require a purchaser to apply for his certificate within a period of ninety days from the date on which the sale became absolute. A proposed addition to the present section 318 imposes upon applications for possession the period now prescribed by article 178.

A further question requiring settlement is whether or not a dispute under this section, when the purchaser is the decree-holder, falls within the purview of section 244 as the subject of an appealable order. It is proposed to make it clear that it does.

Clause 320.—The proper principle appears to be that the Civil Court should be precluded from interfering in any matter declared to be within the Collector's jurisdiction, but that it is not divested of its ordinary jurisdiction in regard to any other matters merely because the decree has been transferred to the Collector; and that a civil suit lie with respect to every order of the Collector upon which, if it had been made by the Court acting within its jurisdiction, an action could have been maintained. The additional sub-clause aims at the adoption of this principle.

Clause 328.—The omission to have recourse to this section does not, it has been held, preclude a decree-holder from instituting a fresh suit to recover possession or making a fresh application for delivery. The option thus given to the section is thought undesirable and unnecessary, and it is proposed, by an additional section 335A, to compel the decree-holder to have recourse to the remedy here provided.

Clause 330.—The expression "commit the judgment-debtor or such other person to jail" is misleading, since it raises questions of diet-money as in the case of civil imprisonment for debt. The language has, therefore, been slightly altered to render it clearer that the provision relates to conviction of an offence in contempt of justice.

Clause 331.—The corresponding section of the Code of 1877 limited the Court's powers to those in a suit under section 9 of the Specific Relief Act, 1877. It is a disputed question, however, whether the investigation under the existing Code is or is not confined to the fact of possession. It is thought desirable to empower the Court to adjudicate on questions of title falling within or below the pecuniary limits of its jurisdiction and not excepted from that jurisdiction for any other reason. In any other case, however, it seems preferable to revert to the provisions of Act X of 1877 by giving the order only the effect of a decree in a possessory suit.

Clause 332.—The remarks made with reference to clause 328 apply here also. Moreover, a regular suit is not barred by the operation of articles 11 and 13 of the second schedule to the Indian Limitation Act, 1877. The period of limitation for such a suit is twelve years under article 144, whereas that provided by article 11 for a suit under section 335 is one year only. As it is desirable to invest judicial orders with finality and there seems no reason for placing the decree-holder in a better position than the auction-purchaser, it is proposed to add "section 332" to those enumerated in article 11, and to add a reference to it in the new section 335A, proposed by the Bill.

Clause 335A.—The amendment follows the remarks noted under clauses 328 and 332.

Clause 336.—There are certain persons or classes of persons—e.g., railway servants—whose summary arrest might be attended by serious danger or grave inconvenience

to the public. It is proposed, therefore, to add a sub-clause empowering the Local Government in such cases to prescribe the procedure and notice necessary to effect the arrest.

Clause 342.—To prevent constant misapprehension, it appears expedient to re-cast the language so as to embody a decision to the effect that this provision does not confer on the Court a discretion to fix shorter periods of imprisonment than those prescribed.

CHAPTER XX.

OF INSOLVENCY.

There appears to be a strong consensus of opinion that the provisions of the Code relating to insolvency have been proved by experience to afford a most inadequate relief both to debtors and to creditors. The scope of the present Chapter is limited to judgment-debtors who have been arrested or imprisoned or whose property has been attached in execution of a decree for the payment of money and who, of their own choice, avail themselves of the law to relieve them of their liabilities unless the application proceeds from a decree-holder. No restriction is placed upon the rights of the individual creditor until the debtor's property has actually vested in the receiver appointed under section 354; and, in the interim, suits may proceed and decrees may be executed with the result that, while the petition is under consideration, the property may be sold for the benefit of a single decree-holder to the exclusion of all the creditors who have refrained from burdening the estate with litigation because their claims have been duly scheduled. On the other hand, the relief to the insolvent is most inadequate since it is strictly confined to discharge from the scheduled debts only, though the liability for these is terminated, by a very rough and ready procedure, through the satisfaction of one-third or the efflux of twelve years. It is thought that a wider scope ought to be given to the Chapter by extending it, somewhat on the lines of the provisions of the Punjab Laws Act, 1872, to insolvent debtors generally without reference to the existence of a decree. It is also proposed to go rather further and to introduce, in a simplified and much adapted form, some of the provisions of the Bankruptcy Act, 1883 (46 & 47 Vict., c. 52). In the result Chapter XX of the present Code has been entirely recast and is practically new.

Clause 344.—The principle that the Local Government should have authority to confer jurisdiction on any Court indicated by circumstances has, to some extent, been recognised even in section 360 of the Code and constitutes an essential portion of the insolvency provisions of the Punjab Laws Act, 1872. As many of the orders to be made are likely to involve legal questions of no little difficulty, it is proposed—see clause 360M—to allow an appeal from subordinate Courts to the District Judge, whose decisions, however, must, except in specified matters, be invested with finality with a view to preventing the engulging of all relief anticipated in expensive and protracted appeals to the High Court. The revisional remedy provided by section 622 and the power of supervision exercised under the Indian High Courts Act, 1861, section 15, will, it is hoped, be sufficient to meet all cases of real hardship where no appeal is allowed. There has been some doubt on the question how far the relief afforded by the Code is excluded by proceedings under the Indian Insolvency Act, 1848. On the whole, it is considered preferable to leave entirely to statute-law the insolvency jurisdiction exercised in the Presidency-towns and in Rangoon.

Clause 345.—There is at present no definition of acts of insolvency entitling a creditor to apply for an adjudication against the debtor. The result is that a creditor or a number of creditors may wantonly or maliciously apply for such an adjudication and the Court must apparently proceed upon the somewhat narrow grounds specified in the existing section 351. For such conduct apparently the debtor cannot obtain reparation, except by means of a separate suit. It seems desirable, therefore, to adapt and simplify the list of acts of bankruptcy contained in the English Statute, to render a creditor's application dependent upon the commission of such an act, and to invest the Court—see clause 352 (2)—with summary jurisdiction to award compensation where such an application is dismissed as frivolous and vexatious.

Clause 346.—As already stated, the Chapter as it stands applies only to judgment-debtors who have been arrested or imprisoned, or whose property has been attached in execution of a decree for the payment of money and who voluntarily seek the protection of the Court unless the application proceeds from a decree-holder. So far as it is proposed to extend it to the relief to other classes of debtors, the minimum limit of liability has been fixed at five hundred rupees as in section 23 of the Punjab Laws Act, 1872, but reduced to fifty rupees in the special cases contemplated by the Dekkhan Agriculturists' Relief Act, 1879. On the other hand, it is proposed to considerably curtail the existing latitude given to creditor-

applicants by limiting their rights to cases in which an act of insolvency has been committed.

Clause 347.—Most of the requirements here suggested are purely ancillary to the proposals in regard to the persons entitled to apply. It is not intended to relax the stringency of the rule that an application must specify where the property is to be found though it is trusted that the reference in sub-clause (3) to return and amendment will prevent dismissals on purely technical grounds.

Clause 348.—The conditional order here suggested is put forward as a substitute for the more elaborate procedure in regard to receiving-orders under the Statute of 1883. Generally, the lines adopted are those of section 24 of the Punjab Laws Act, 1872, which supplies a serious defect in the Code by authorizing the Court to exempt the property and person of the debtor from legal process. At the same time, it is essential that the law should be strengthened by providing for a conditional vesting of the insolvent's property which—see clause 353—will eventually be made absolute and so remove the inconvenience of the existing law, under which retrospective effect cannot be given to the vesting of property in the receiver. The Punjab enactment empowers the Court, by proclamation instead of service of notice, to invite the record of claims against the debtor, and this is, no doubt, an improvement; but no system of insolvent relief is likely to succeed unless "gazetting" is declared to be the only notice to creditors required by the law and rendered conclusive as against the assertion of claims otherwise than in accordance with this Chapter.

Clause 349.—At present the duties of the debtor up to the conclusion of the insolvency proceedings are not clearly defined. By virtue of section 350, he may be imprisoned for certain acts of fraud and bad faith proved at the hearing under that section, but this would not warrant coercive measures for mere failure to render such active assistance as section 24 of the English Statute requires. The clause here proposed is intended to meet the defect.

Clause 350.—It has been pointed out that sections 22 to 33 of the Punjab Laws Act, 1872, give no power to arrest by warrant where there is probable reason for believing the insolvent to be about to evade service of summons or to remove or conceal his goods or papers; and it is doubtful how far this omission is supplied by the Code of Civil Procedure. In these circumstances it is thought expedient to adapt the coercive provisions of section 25 of the English Statute, somewhat on the lines of section 477, with regard to arrest before judgment.

Clause 351.—It is thought that ordinary cases of insolvency may be compared with summons cases and even summary trials under the Code of Criminal Procedure, 1898, with reference to the necessity for emancipating the Court from clerical labour.

Clause 352.—It is here proposed that the powers of the Court should be assimilated to those conferred by sections 203 and 253 of the Code of Criminal Procedure, 1898. On the other hand, it is essential that, if readier facilities are to be given to creditors to have their debtors declared to be insolvent, an equally prompt remedy should be given against wanton and malicious applications. This principle has already been recognized in section 491 with regard to arrest or attachment before judgment.

Clauses 353 and 354.—The object of these clauses, read with clause 348, is to vest the insolvent's property in the Court or a receiver with effect from the conditional order made upon the original application. It has been represented that receiverships, as proposed to be regulated by clause 503, would, by reason of their expense, deter agriculturist debtors from seeking the benefit of the Chapter. It is already the practice of the Courts, in small insolvencies, to appoint one of their officers to be the receiver, and section 27 of the Dekkhan Agriculturists' Relief Act, 1879, provides for the appointment of the Názir without fee or commission. It is proposed to give the Local Government authority to dispose of the matter by rules somewhat on the lines indicated.

Clause 355.—The general powers exercisable by a receiver in virtue of his appointment under section 503 are not sufficiently precise for the purposes of insolvency. In the cases proposed to be enumerated, it seems expedient that the receiver should not merely rely upon such general powers, but act by the direction, and under the control, of the Court.

Clause 356.—The Code is defective in containing no proper description of the nature of debts provable in insolvency, in not precluding a creditor from proving a liability contracted after he had notice of an act of insolvency, and in allowing a debt payable immediately to rank equally with those payable on a future date or on the happening of a

contingency. It is proposed to remedy these defects on the lines of section 37 of the English Statute.

Clause 357.—The English practice of proving by transmission of an affidavit is obviously desirable, inasmuch as the provisions of clause 360A will enable the Court to expunge or reduce proofs improperly admitted in whole or in part.

Clause 358.—The existing Chapter is most incomplete with reference to the claims of secured creditors. At present, neither a declaration of insolvency nor a sale by a receiver get rid of an unscheduled mortgage. If, however, the mortgage is scheduled, it is entitled, under section 356, clause (e), to priority over all claims other than crown-debts and the costs of a decree-holder. It is proposed to adapt the English procedure with regard to the surrender and valuation of secured liabilities.

Clause 359.—The provisions of the Code relating to insolvency contain no specific directions with regard to interest, and some appear to be necessary if a ready relief against acts of insolvency is to be given.

Clause 360.—It may be doubted whether a claim payable at a future time is a "debt" for purposes of rateable distribution under section 356 (e). Rule 21 of the second schedule to the Statute has accordingly been adapted so as to include such claims.

Clause 360A.—It is here proposed to invest the Courts with the powers of expunging or reducing proofs exercised in England.

Clause 360B.—The list of preferential payments enumerated in section 356, while including crown-debts, gives no priority to the wages of service or labour rendered to the insolvent. On the other hand, the invariable preference given to mortgages over unsecured liabilities is not expedient. It is proposed, therefore, to adapt the principle accepted in the Bankruptcy Act, 1883, section 40, as supplemented by the Preferential Payments in Bankruptcy Act, 1888, section 1.

Clause 360C.—In a Code of general application, it is considered inexpedient, for the present, to increase the immunities of immoveable property of agriculturists. Section 29 of the Dekkhan Agriculturists' Relief Act, 1879, provides that such property shall not vest in the receiver, but shall be managed for the benefit of creditors. How far this section has been attended with any real success, appears to be a very open question. In these circumstances, it is preferred to maintain the privileges conferred by the proviso to section 359, and to leave to special legislation any further exemption which experience may show to be required in the interests of any particular community.

Clauses 360D and 360E.—The powers of the Court urgently require strengthening in respect of compositions and fraudulent transfers. On the whole, it is considered that the provisions of the English Statutes on this subject are too elaborate for adoption in insolvency cases arising outside the Presidency-towns and other centres of commerce. It is understood that sections 26 and 28 of the Punjab Laws Act, 1872, have proved adequate in practice, though it seems necessary to reproduce the saving of the rights of a creditor's transferee for valuable consideration, as safeguarded by section 48 of the Bankruptcy Act, 1883.

Clause 360F.—At present, Chapter XX does not regulate the payment of dividends, and there is accordingly no direction with regard to provision for debts not provable at once. The principle has already been recognised that a creditor can claim to prove at any time while there are still undistributed assets of the insolvent. It is essential, however, to qualify this principle by maintenance of prior payment of dividends, and also to protect a receiver against suit for dividends unpaid, though the Court should be vested with the power to order payment, with costs and interest, of interest improperly withheld.

Clause 360G.—The absence of any power to enable the debtor to manage his business and to grant him an allowance deters him from seeking the benefit of the Chapter. It is hoped that, by the adoption of section 64 of the Bankruptcy Act, 1883, one of the worst stumbling-blocks in the way of insolvent relief will be removed.

Clauses 360H and 360I.—The effect of the present law with respect to discharge is ineffective, uncertain and unfair. It has already been mentioned that the relief afforded by Chapter XX can be claimed only under very narrowly defined circumstances dependent upon the taking of particular action for the enforcement of a decree for the payment of money. Even so, however, the relief is limited to debts entered in the schedule to be framed under section 352, and, if a creditor does not choose to have his debt scheduled, the discharge will not preclude him from executing his decree. Even the scheduling of a decree will not necessarily bar a suit to establish the right to sell

the property hypothecated; and it seems that, while section 357 does not protect the insolvent from arrest in respect of judgment-debts not appearing in the schedule, his property can always be attached and sold. Indeed, there is some measure of doubt on the question how far a creditor may execute a scheduled decree *pari passu* with the insolvency proceedings. On the other hand, the debtor is absolved from liability in respect of the scheduled debts after payment of one-third or the expiry of twelve years. Furthermore, the discharge must either be given or refused; but there is no power to suspend it or to grant it upon conditions; nor are there any provisions regulating the discretion of the Court in withholding it; and, finally, the Court cannot revoke a discharge, however improperly or fraudulently it has been obtained. It is proposed, under these circumstances, to adapt the provisions of the English law which enable the Courts, on specified conditions, to exercise a discrimination in granting or postponing relief; but, at the same time, to declare that the relief, when granted, will absolve the debtor from all claims provable in insolvency with the exception of those due to the Crown or tainted with fraud; and to render the discharged insolvent subject to the wholesome restraint of knowing that, if he fails to render proper assistance in satisfying the claims against him he is liable to forfeit his discharge.

Clause 360F.—The absence of any power to remove the stigma of insolvency, either because the declaration was improper or because the liabilities have been satisfied in full, sets a premium upon any honest endeavour on the part of the debtor to rehabilitate his character. It is felt to be essential, therefore, that the terms of section 35 of the English Statute should be embodied and, at the same time, that the same publicity should be given to the annulment as to the declaration.

Clauses 360K and 360L.—The addition here proposed appears to be required in consequence of the proposal to empower the Courts to suspend discharge.

Clause 360M.—As usual, the question of appeals presents features of no inconsiderable difficulty. The solution here proposed is, first, to subordinate to the District Court all other Insolvency Courts; secondly, to follow the English Statute so far as to give an appeal from all orders of subordinate Courts to the District Court, whose appellate order should, however, be final; thirdly, to limit strictly to particular classes of orders the right of appeal from orders made by a District Court otherwise than in appeal; and, fourthly, for the purpose to treat as a District Court any subordinate Court to which the District Court has transferred an appeal.

CHAPTER XXI.

OF THE DEATH, MARRIAGE AND INSOLVENCY OF PARTIES.

Clause 366.—In view of section 16 of the Succession Certificate Act, 1889, the explanation is too widely expressed.

Clause 368A.—The legal effect of proceedings taken in ignorance of the death of a party is somewhat uncertain. It is proposed to lay it down that the mere circumstance of a death among the parties, not concealed by bad faith or gross negligence, does not invalidate judicial action.

Clause 372.—It seems expedient to embody certain decisions to the effect that the expression "pending the suit" contemplates a suit in which, though a decree may have been passed, no final order has been made; and it is proposed to make it clear that the provision applies to transfers preceding a final determination, whether in first instance or in appeal.

Clause 372B.—After considerable discussion and conflict of opinion it has been decided that the provisions of this Chapter do not apply to the execution of decrees. The period of limitation prescribed by article 175A of the second schedule to the Indian Limitation Act, 1877, in connection with applications under section 365 of the present Code was probably not intended to apply in the case of proceedings in execution.

CHAPTER XXII.

OF THE WITHDRAWAL AND ADJUSTMENT OF SUITS.

Clause 373.—It is proposed to incorporate the rule formulated by the Privy Council in the case of *Watson v. The Collector of Rajshahye* (1869), 13 Moo. I. A. 160, that a Court should not enter a non-suit after issues have been settled and the plaintiff has failed to adduce necessary evidence, unless, indeed, the defendant consents, as he conceivably might, in order to avoid further litigation. It is also proposed to remove all doubt as to the power of an Appellate Court to make an order under this provision.

Clause 374.—It has been repeatedly held that section 43 does not, in the case of an order under section 373, bar the inclusion in a second suit of matters omitted from the first, and words have been added in order to settle the point.

CHAPTER XXIII.

OF PAYMENT INTO COURT.

Clause 379A.—There seems to be no reason why the provisions of this Chapter should not be applicable to payments made under section 257, but this the present wording of Form No. 155 in Schedule IV apparently does not contemplate.

CHAPTER XXIV.

OF REQUIRING SECURITY FOR COSTS.

Clause 380.—The first explanation merely reproduces section 382 of the present Code and so puts the provisions of that section in what seems to be a more convenient place. The second explanation incorporates a decision declaring a "suit for money" to include a suit for moveable property or its equivalent in money.

Clause 381.—If the right to sue remains as against other defendants, there is no reason why the whole suit should be dismissed merely because security for a co-defendant's costs has not been furnished. It is accordingly proposed to limit the effect of the order to so much of the suit as relates to the defendant for whose costs the security is not forthcoming.

The reasons for excluding an order under this provision from the definition of a "decree", giving at the same time a right of appeal by an addition to section 588, will be found discussed under clause 2.

CHAPTER XXV.

OF COMMISSIONS.

Clause 387.—The necessity for compliance with the provisions of section 1 of the Evidence by Commission Act, 1859 (22 Vict., c. 20), is constantly being overlooked by the Courts of British India, and instructions had recently to be issued to the effect that, upon receiving a commission, the High Court in England, if moved by the parties interested, will appoint the examiner, but will not act in the absence of a regular application. To avoid further misconception on the subject, a reference to the Statute has been inserted.

Clause 387A.—The issue of a commission without notice to the opposite party is save in *ex parte* cases, obviously open to objection.

Clause 388.—Constant delay is occasioned by applications from parties for retaking the evidence under the commission on the ground that they had no knowledge of the date of hearing. It seems reasonable to provide by enactment for such notice as is, in practice, given in many of the Courts.

Clause 391A.—It is thought that there are two cases in which the fullest liberty of conducting a local investigation in person should be given to a judge without turning him into a witness in the suit. The first is the viewing of the spot in cases turning upon points of topographical detail capable of being settled only by observation. The second is the removal of a trial to the spot and its continuation there in the presence of the parties. It is accordingly proposed to add this clause.

Clause 396.—It has been held that, in spite of the use of the plural, a Court is not bound to appoint more than one Commissioner, and it is proposed to make the point clear. The addition at the beginning of the provision will be explained by a reference to the restriction contemplated in regard to the scope of the cognate section 255. A paragraph regarding the power of a Court to return a report for the correction of a mistake has been added in view of doubts with respect to the legal propriety of such action.

Clause 397.—The application of this provision has been attended with some practical difficulty and has occasioned a diversity of practice. The expenses of a commission can be but roughly estimated by the time likely to be expended in a local investigation or an examination of accounts. To break off the inquiry when the deposit is exhausted would often render its resumption ineffective, in addition to causing delay to the Court and annoyance to the parties and the witnesses. On the other hand, to continue the inquiry under such circumstances is apt seriously to complicate the question of realizing the expenses. It

is accordingly proposed that, where the time likely to be occupied by the execution of a commission cannot be determined by the Court but will probably exceed the expenses deposited, the Commissioner should report to the Court within a reasonable time beforehand so that the time may be enlarged and a further deposit required. Failure to make a deposit should in all cases have the consequences mentioned in clause 158.

Clause 399.—Though the present section 399 renders applicable to commissions the penalties to be imposed upon witnesses, a private Commissioner, without the machinery of a Court, may find practical difficulty in enforcing attendance. It is, therefore, proposed to enact that, as is already the practice in many places, a private Commissioner shall cause his processes to be executed through the Court having local jurisdiction where the witnesses reside.

Clause 400.—As notice of time and place is obviously essential and is ordinarily given; it seems expedient to direct this course by express enactment.

CHAPTER XXVI.

SUITS BY OR AGAINST PAUPERS.

Clause 401.—Circumstances warranting the institution of a suit *in formâ pauperis* appear equally to apply where its continuation, according to the ordinary procedure, would be precluded by the plaintiff's poverty. There are reported cases insisting upon a cross-appeal in place of an objection, but the rulings in them were necessitated by the wording of the present Code and seem to follow no principle dictated by expediency. The power of granting permission to defend *in formâ pauperis* is, moreover, absolutely essential to present oppression, though it is difficult, if not impossible, to read it into the provisions of this Chapter as they stand. And the facts underlying the case-law disclose that, in many instances, minors would simply have to forego their rights if they could not be represented by pauper relatives. Alterations intended to carry out these suggestions have accordingly been embodied in this Chapter and in Chapter XLIV.

Clause 407 (b).—The expression "a right to sue" has occasioned some discussion and it is proposed to avoid it altogether. Effect is given to the view entertained at Allahabad that the allegations in the petition are not the sole materials for deciding on the right. Occasion has, moreover, been taken to incorporate the ruling in the case of *Manohar Ramchandra v. Lakshman Mahadev* (1885), I. L. R. 9 Bom. 371, which applied clause (d) of the present section to an agreement authorizing a pleader to recover a fee out of the revenues of a village forming the subject matter of the suit.

Clause 409.—Two proposals are put forward with reference to this provision. In the first place, it would appear necessary to give statutory effect to the certain rulings which have interpreted it as authorizing the revival of an application dismissed, not upon the merits, but for default. In the second place, the opportunity has been taken to embody the decision in *Skinner v. Orde* (1879), L. R. 6 I. A. 126, to the effect that, in the absence of fraud, an applicant may abandon his prayer to bring a suit as a pauper and, by paying the court-fees, convert his petition into a plaint, operating, for purposes of limitation, from the date of filing and not from that of the payment of court-fees. In view of the proposed section 502, this provision will apply to appeals, though it is not intended to supersede the rule [*Bishnath Prasad v. Jagannath Prasad* (1891), I. L. R. 13 All. 305] that, where an application for leave to appeal *in formâ pauperis* has been rejected, the court-fee on a regular memorandum of appeal subsequently presented will not relate back for the purpose of saving limitation.

Clause 411.—The Government is apparently not bound to institute a separate suit for the court-fees recoverable from a pauper decree-holder, and is at liberty to realize them by proceedings in execution; but in such cases it has been held that, not having been expressly exempted from the provisions of the law of limitation, the Government is bound by the period prescribed in article 178 of the second schedule to the Indian Limitation Act, 1877. If the three years' period of limitation applies, the Government, which has no lien on the decree for the stamps and cannot bring it to sale, may be deprived of its claim where the subject-matter of the suit is attached by another decree-holder and is sold without yielding a surplus, or where the pauper keeps his decree alive without pressing on the execution. It is proposed to meet these difficulties by giving the Government a lien on the decree for its court-fees and to authorize it to execute the decree where the Court considers the decree-holder to be remiss. As the Government may not be disposed to contest the allegation of poverty and is not necessarily a party interested in the suit, it is found in practice that, unless a copy of the decree is furnished, there is some difficulty in bringing to notice, and consequently rectifying, the omission of sums payable as court-

fees. It is proposed, therefore, to render the furnishing of such a copy compulsory under the Code. At the same time, it seems expedient to declare that orders deciding any matter between the Government and the party charged with court-fees are open to appeal under clause (b) of section 244.

Clause 412.—It is proposed to extend this provision to cover the case of a suit withdrawn or permitted to be dismissed in consequence of a compromise, and to make it clear that nothing in it is to preclude a Court from awarding a successful pauper-defendant his costs. There have been doubts expressed on the question whether an omission to order the payment of court-fees can be rectified on the application of the Government when not joined as a party. It is suggested that, in all cases of error or omission with regard to court-fees, the Government should have all the rights and remedies open to a party bound by the decree.

It is further proposed to limit the confinement under this provision to simple imprisonment as under section 250 of the Code of Criminal Procedure, 1898.

CHAPTER XXVII.

OF SUITS BY OR AGAINST GOVERNMENT OR PUBLIC OFFICERS.

Clause 416.—The power of the Advocate General to exhibit informations in the nature of actions at law or bills in equity was expressly declared by section 111 of the East India Company Act, 1813 (53 Geo. 3, c. 155), and kept alive by section 2 of the Government of India Act, 1833 (3 & 4 Will. 4, c. 85), and again by section 1 of the Government of India Act, 1853 (16 & 17 Vict., c. 95), now merged in the Statute of 1858 (21 & 22 Vict., c. 106). As the Governor General in Council is precluded by section 22 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), from legislative interference with the provisions of any of the enactments above quoted, section 416 of the present Code, in so far as it appears to exclude informations exhibited by the Advocate General, is not accurately worded. In view of the comparative infrequency of informations, it is considered desirable to add, by way of proviso, a reference to the Statute, the existence of which might otherwise be overlooked.

Clause 424.—The wording of this section has created much confusion. A verbal alteration has been introduced to make it clear that the qualification "in respect of an act purporting to be done by him in his official capacity" does not relate to the Secretary of State as well as to a public officer, and also that notice is necessary, whether the action is founded upon contract or upon tort.

The reasons justifying notice of suit would seem to apply with equal cogency to the joinder of the Secretary of State or a public officer as a defendant, though the existing language of the section apparently does not cover such cases.

An explanation has been added, based upon a dictum of Sargent, C. J.—see *I. L. R.* 13 Bom. 346—to the effect that, while a Collector is in his official capacity as agent of the Court of Wards entitled to notice of a suit in respect of an act done in that capacity, he is not so entitled if he is merely impleaded to protect a minor's title.

CHAPTER XXVIII.

SUITS BY ALIENS AND BY OR AGAINST FOREIGN AND NATIVE RULERS.

Clauses 430 and 430A.—The present section 430 deals somewhat inconveniently with the separate cases of alien friends and alien enemies, and its provisions are also incomplete inasmuch as the expression "foreign country" does not cover the United Kingdom and other British possessions. It is proposed, therefore, to provide, in a separate clause, for the case of alien friends; and, in respect of alien enemies to prescribe, on the lines of international law, a general prohibition against suits except in pursuance of proper license. The exception has been so expressed as to extend to aliens detained whether as prisoners of war or otherwise.

Clause 431.—The existing section, though it has not been the subject of very numerous rulings, undoubtedly requires restriction, inasmuch as its language appears to confer upon the head of a foreign State a general power to litigate in respect of the private rights of his subjects. It is thought that the object of such litigation must be the enforcement of a private right vested in the head of the State or in an officer of the State as such; and the language has been modified accordingly.

Clause 432.—Certain rulings suggest the expediency of making it clear that the special procedure here provided for does not preclude a sovereign prince or ruling chief from instituting a suit through a recognized agent appointed in the usual way.

Clause 433.—The object of this provision is essentially of a political character, and it is proposed to take the opportunity of negating possible contentions to the effect that the exercise of delegated authority is not subject to control, and that a consent once given or refused, even under a delegated authority, exhausts the power conferred.

CHAPTER XXIX.

SUITS BY AND AGAINST CORPORATIONS AND COMPANIES.

Clause 436A.—The power of requiring the personal attendance of a principal officer of a defendant corporation or company, which is conferred by the concluding part of the present section 436, should, it is thought, be conferred also when the corporation or company is the plaintiff.

CHAPTER XXX.

SUITS BY AND AGAINST TRUSTEES, EXECUTORS AND ADMINISTRATORS.

Here no amendments are proposed.

CHAPTER XXXI.

SUITS BY AND AGAINST MINORS AND PERSONS OF UNSOUND MIND.

Clause 442.—It is proposed to follow the ruling in the case of *Rattonbai v. Chabildas Lalloobhoy* (1888), I. L. R. 13 Bom. 7, and lay it down that the omission to join a next friend is not a nullity but an irregularity, and that a plaint should not be struck off except when it appears, on the face of it, that it was filed by a minor, or when it is proved to have been filed with knowledge of the fact of minority and with the intention of deceiving the Court and evading the payment of costs in the event of failure.

Clause 443.—The principal difficulty arising in connection with this provision is as to the giving a minor notice of an application to appoint a guardian. The main object is, no doubt, to safeguard a minor's interests, but it is equally important to insure that his disability should not be converted into a means of obstructing and harassing honest creditors. It is proposed, therefore, to require preliminary notice of the application to appoint a guardian *ad litem* to be given to the minor concerned, to follow O. ix, r. 4, of the Rules of the Supreme Court as to service upon infants, and to enact that a decree shall not be void for want of notice unless the minor is shown to have been prejudiced. A form of notice recently adopted by the High Court at Calcutta has been incorporated in the fourth schedule as Form No. 157A.

Clauses 445 and 457.—Owing to a difference between the language of section 455 and that of section 457 of the present Code, a distinction has been made as regards women acting as guardians *ad litem* on the one hand and as next friends on the other. In so far as safeguarding the interests of minors is concerned, it would seem sufficient to exclude, in both cases, married women whose husbands are alive and living with them.

Clause 462.—The leave here contemplated should be expressly given, for the Court giving it *ipso facto* sanctions a compromise by passing a decree by consent, and is bound to satisfy itself that such a decree is for the minor's benefit. Further, it is proposed to follow certain rulings and lay it down that the Court should record that the next friend or guardian *ad litem* has made an application, that the terms of the proposed agreement or compromise have been considered, and that, having regard to the interests of the minor, the Court has granted leave for the making of the agreement or compromise. In the absence of such a proceeding, the decree should be liable to be set aside, unless there was in fact consent on the part of the guardian *ad litem* and no result prejudicial to the minor's interests. The validity of a compromise should, it is thought, be open to contest by the minor either by a suit by his next friend or, on attainment of majority, by review or regular suit, but not by way of objection to any proceeding taken in execution of it. These views are based upon case-law, which it is proposed to embody in the text.

Clause 463.—On general principles of equity, it is proposed to follow the English Chancery practice of assigning a guardian *ad litem* to "a person not adjudged", but ascertained on inquiry, to be of unsound mind.

CHAPTER XXXII.

SUITS BY AND AGAINST MILITARY MEN.

In this Chapter no amendments are suggested.

CHAPTER XXXIIA.

SUITS BY AND AGAINST FIRMS AND PERSONS CARRYING ON BUSINESS IN NAMES OTHER THAN THEIR OWN.

Clauses 469A to 469F.—In connection with clause 268G, the reasons for tentatively inserting provisions adapted from the Partnership Act, 1890 (53 & 54 Vict., c. 39), and the Rules of the Supreme Court have been adverted to. The same reasons appear to indicate the necessity for simplifying the present rules regulating suits by and against firms, and this Chapter has been drafted on the lines of O. xlviii-A of the English rules. There seems to be little question that, in some of the principal commercial centres, the conditions are sufficiently advanced to render some such departure expedient, but it is doubtful how far the provisions put forward can safely be applied to the cases, believed to be exceedingly common outside the Presidency towns, of trading businesses forming portions of the general assets of joint-family property. On this question further information must be awaited; and it is possible that some limitations of principle or of territorial application will be found to be required.

CHAPTER XXXIII.

INTERPLEADER.

No amendments of substance are suggested as regards the provisions of this Chapter.

CHAPTER XXXIV.

OF ARREST AND ATTACHMENT BEFORE JUDGMENT.

Clause 477 (4).—It appears expedient to provide a summary process for the realization of security instead of relegating the successful party to a suit.

Section 483.—It is proposed to incorporate two decisions which have interpreted this provision as wide enough to include property of every description, and the subsequent provisions with regard to producing and placing at the disposal of the Court as referring only to such property as is capable of being produced. It also seems necessary to remove a doubt as to the power of a Court to examine an authorized agent.

With reference to sub-clauses (5) and (6), which reproduce the present section 485, it is observed that Form No. 161 in the fourth schedule has been criticized by the Privy Council as not amounting to an order staying institution of a suit with reference to section 15 of the Indian Limitation Act, 1877. It is doubted whether any useful purpose would be served by restraining the right to sue for a debt under attachment. It has been ruled in the case of *Shib Singh v. Sita Ram* (1898), 1. L. R. 13 All. 76, upon the present section 268, which is rendered applicable by the operation of section 486 and which it is proposed to amend in accordance with the Allahabad decision, that attachment does not restrain the right of suit, but prohibits the recovery of the debt in the sense of the payment of it by the debtor to the creditor.

Clause 488.—At present, an attachment before judgment even though never formally withdrawn, has been held to terminate by dismissal of the suit and not to be revived by an appellate order setting aside the dismissal. This seems manifestly unfair.

Clause 489.—In view of the difference of opinion expressed in the Full Bench case of *Shib Kristo Shaha Chowdhry v. Miller* (1883), 1. L. R. 10 Cal. 150, it is proposed to declare that attachment before judgment confers no priority as against the assignee entitled to an insolvent's property by virtue of a vesting order made after such attachment but before the passing of the decree.

Clause 490A.—The proposed exemption of a portion of growing crops in execution of decrees necessitates a similar exemption from attachment before judgment. There are, however, practical difficulties in the way of adapting the same procedure; and an agriculturist possessing a growing crop is unlikely to abscond and unable, except at maturity, to remove

it. On the whole, the attachment of growing crops before judgment is productive of hardship, and there is sufficient reason for its retention.

Clause 491.—It is proposed to remove a doubt in regard to the right of a defendant to apply under this provision, even though he has not been served with a summons in the suit.

Clause 491A.—Under section 245A, a money-decree cannot be executed against a woman by arrest and imprisonment. There seems to be no reason for permitting such coercive process to be issued before judgment in a suit for such a decree.

CHAPTER XXXV.

OF TEMPORARY INJUNCTIONS AND INTERLOCUTORY ORDERS.

Clause 493.—It is not apparent why rigorous imprisonment should be inflicted on disobedience of an injunction, more especially as the confinement warranted by section 180 of the Indian Penal Code must ordinarily be simple.

Clause 499.—This provision is founded upon O. i of the Rules of the Supreme Court, but the omission of the words, which it is now proposed to insert, has raised an unnecessary doubt.

CHAPTER XXXVI.

APPOINTMENT OF RECEIVERS.

Clause 503.—In view of a divergence of practice, it is deemed expedient to enact that the Court should not, upon the application of a plaintiff, appoint a receiver of property in the possession of a defendant claiming under a legal title, unless the plaintiff can show *prima facie* that he has a strong case and a good title.

The section, as it stands, does not strictly warrant the practice, which has been adopted with considerable advantage to the public, of employing an official receiver. Under this practice, the receiver, although supposed to be appointed in each case by virtue of a general or special order under the section, is a permanent official remunerated, not by the fee or commission, but by a fixed salary, whereas the emoluments intended by the Code to be received by him are, in fact, credited to the Government. While there is no intention or desire to interfere with private receiverships, it is thought that the official system ought to be recognised by the law as an alternative; and it is accordingly proposed to re-cast and amplify the provision so as to invest a Court with a power, on the one hand, to fix the fee or commission to be paid for the receiver's services, and, on the other, to direct, in the case of a private receiver, the amount of remuneration to be paid to him out of such fee or commission.

Clause 504.—The practice in many Courts is to notify to the Collector the appointment of a receiver of property paying revenue to the Government. It is proposed, in view of the obvious convenience of this practice, to render it compulsory by enactment.

CHAPTER XXXVII.

REFERENCE TO ARBITRATION.

The comparative unpopularity of the remedy by reference to arbitration has engaged the attention of the Government on several occasions. The inadequacy of the provisions of Chapter XXXVII in what may be described as "mercantile disputes" has resulted in the passing of the Indian Arbitration Act, 1899, which is founded, in great measure, upon the Arbitration Act, 1889 (52 & 53 Vict., c. 49), and was the outcome of representations from various Chambers of Commerce. The procedure contemplated by the Act of 1899 is, however, probably too elaborate for the conditions subsisting outside the Presidency-towns and some of the larger centres of industry. It is, therefore, proposed to retain this Chapter, with such alterations as have been shown by practice to be necessary, for the class of references for the purpose of which recourse is now had to its provisions. In this connection, it may be noticed that no attempt has been made to enumerate acts of "misconduct" on the part of arbitrators, although some divergences have, no doubt, been pointed out in the rulings on the subject. On the whole, however, the relevant case-law is not sufficiently crystallized to warrant any enumeration aiming at exhaustive detail. The general tenor of the decisions, so far as they extend, is to treat merely technical defects as immaterial, but to invalidate awards for what, under the circumstances of the

case, amounts to a substantial unfairness to the parties or to any of them. It is proposed, therefore, to follow the precedent of the English Statute and leave the construction of "misconduct" to the Courts.

Clause 507.—At present, the law requires the agreement either to name a particular arbitrator or to leave the matter to appointment by the Court. It is necessary, as was remarked in paragraph 3 of the Statement of Objects and Reasons appended to the Bill which eventually became Act IX of 1899, to provide for agreements to refer to the arbitration of a person to be nominated by, for example, a Chamber of Commerce. In deference to a representation from Bombay, the language has been widened with a view to enabling such an arbitrator to be elected or chosen. It will be observed, moreover, that the Court's powers before the reference have been considerably extended inasmuch as the existing restrictions do not appear necessary in view of the very wide discretion exercisable subsequently under section 510. At the same time, it seems essential that an express agreement to the contrary should be respected by the Code.

Clause 510.—The Court should have the powers, conferred by section 16 of the Act of 1899, to remove a dishonest arbitrator and to substitute a more reliable person. Where the parties concur in such action, it is more convenient than the existing procedure of waiting for the award and then setting it aside.

Clause 514.—There are conflicting authorities on the question whether the time for making an award can be enlarged after its expiry. The omission to enlarge within time is usually a mere inadvertence not affecting the merits of the arbitration; and it is plainly desirable that the Court should have the power of preventing proceedings from being nullified by a mere technicality.

Clause 516.—It has been held that arbitrators must sign their award conjointly in the presence of each other; but, on the other hand, there is authority for saying that, if the arbitrators have duly heard the case and prepared and signed an award, the mere omission to sign conjointly in presence of each other will not invalidate it. A sub-clause has been added in accordance with this view.

Clauses 518 and 520.—The additions here made follow the provisions of the Indian Arbitration Act, 1899, section 10, clause (c), and section 13.

Clause 521.—There is no reason why an award should *necessarily* become void for refusal to reconsider it. It is possible, for example, that the order remitting the award may be found to have been superfluous, or the parties may agree to waive the matter. It is accordingly proposed to place such refusal on the same footing as the grounds mentioned in the existing clauses (a) to (c).

The power of remitting under the clause (e), which it is proposed to add to the existing section 52, would, if this clause were not excluded from the grounds for setting aside an award, practically allow the Court to set aside any award with which it happened to disagree. As the provision is now worded, the Court will simply have the power of giving the arbitrators an opportunity for reviewing their decision. One of the principal defects of the present law is that, where the arbitrator is ready to admit an error in his award, there is no means of correcting it.

If the existing section were literally interpreted, an award, which is too indefinite to be capable of execution, could not be set aside except on proof of one of the additional facts specified in sub-clauses (a) to (c). Such a result, which would reduce the law to an absurdity, cannot have been intended.

There is no reason why an award should be vitiated for being beyond time, unless any of the parties to the reference takes an express objection to this effect.

Clause 522.—The subject of appeal is treated under clause 526A.

Clause 523.—It is proposed to remove any doubt on the application of the section to agreements to refer future, as well as existing, differences to arbitration. The addition in respect of the time for applying is intended to meet any difficulty arising where a case has been partly heard by an arbitrator who subsequently retires or misconducts himself before the award is given.

Clause 523A.—This clause has been taken, with the necessary changes, from section 19 of the Indian Arbitration Act, 1899. It has been considered desirable to exclude the expression "or on taking any other steps in the proceedings" on account of its vagueness.

Clause 525.—One of the principal reasons for the ineffectiveness of arbitration without the intervention of the Courts is that the procedure allowed by the present section has been

held not to exclude alternative remedies. It is considered expedient to negative the rulings to this effect.

Clause 526.—There is a conflict of authority on the question whether the Court has jurisdiction to inquire into the factum and the validity of an agreement to refer to arbitration. It seems desirable to give effect to the interpretation favouring the exercise of such a jurisdiction.

A sub-clause has been added with a view to removing all doubt with respect to the incorporation in section 526 of the earlier sections of the Chapter.

Clause 526A.—One of the most serious difficulties in connection with the working of Chapter XXXVII is the extreme uncertainty of the right of appeal, apart from the provisions of section 588, clause (26). No useful purpose would be served by any attempt to reproduce the case-law on the subject; but it is hoped that, to some extent, a practical solution may be obtained by the adoption of the principle of granting an appeal from a decree or final order in cases in regard to which, but for arbitration, such a right would have existed, provided that the right is limited to action directed or permitted by his Chapter to be performed by the Court.

Clause 526B.—This clause follows section 3 of the Indian Arbitration Act, 1899.

CHAPTER XXVIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

The small amendments here proposed are formal and do not affect the substance.

CHAPTER XXXIX.

OF SUMMARY PROCEDURE ON NEGOTIABLE INSTRUMENTS.

Clause 532.—If in an ordinary suit interest would, on the construction of the document sued upon, be given, then it ought to be claimable and obtainable where this summary procedure is resorted to. In these circumstances, there seems to be no reason for depriving the plaintiff of such interest as would be recoverable in an ordinary suit, although the rate does not happen to be specified.

Clause 533.—The existing section leaves it doubtful whether the plaintiff is or is not entitled to notice of an application. An addition is proposed with a view to embodying the Calcutta practice.

CHAPTER XL.

OF SUITS RELATING TO PUBLIC CHARITIES.

Clause 539.—There has been considerable difference of opinion as to whether this provision extends to contentious proceedings. If it does not, then its efficacy is materially impaired, and it is proposed to make it clear that it does apply to contentious suits for the removal of trustees and the recovery of assets from the hands of third parties.

CHAPTER XLI.

OF APPEALS FROM ORIGINAL DECREES.

Clause 540.—As has already been indicated in connection with the definition of "decree" in clause 2, it is proposed, in the interests of despatch and finality, to supersede a ruling of the High Court at Calcutta to the effect that omission to appeal against a "preliminary decree" will not preclude objections to it in an appeal against the "final decree".

The language of the existing section requires amendment for the purpose of showing that, on the principle adopted in clause 15 with reference to the institution of suits, the test of pecuniary jurisdiction in appeal should be the valuation of the original suit and not the actual amount affected by the decree.

Clause 540A.—This new clause embodies a considerable amount of case-law, upon which, rather than upon the terms of the Code, the practice of the Courts is at present

founded. By the addition already proposed in connection with clause 206, the issues material to the making of the decree, with the findings or other decisions thereon, will be entered in it, and consequently the words "any party to the suit adversely affected by the decree or any part thereof" will now allow a litigant, contrary to existing practice, to appeal against adverse findings operating against him as *res judicata*, even though the final order is wholly in his favour.

It is proposed, in accordance with the Allahabad practice, that legal representatives not joining in an appeal preferred by one of their number be brought upon the record as respondents.

The amendments suggested under clauses 232 and 244 with respect to the execution of decrees by the transferee of a party's interest render it expedient to introduce here an analogous alteration with respect to the right of appeal.

Clause 541.—As in the case of plaints, copies on plain paper of the memorandum of appeal are required for service on the respondents, and, with a view to preventing delay, it is proposed to direct that these should accompany the memorandum.

The rule, acted upon in certain quarters, that a memorandum of appeal is not good in law unless it is accompanied by a copy of the decree, would appear to be too stringent. It followed the lines of a ruling with regard to court-fees, which has, however, been superseded by section 582A, as inserted by Act VI of 1892. On the analogy of section 53 in the cognate subject of plaints, it seems preferable to relax the rule by investing the Court with the same power of dispensation as it already exercises in regard to copies of judgment, together with a discretion to enlarge the time.

A provision has been added in the sense of a series of rulings to the effect that an objection not taken and pressed in the Court of first instance cannot be urged in appeal, at any rate without the leave of the Appellate Court.

Clause 545.—Though the present Code is silent on the subject, it has been ruled, on grounds of obvious justice, that execution should not be finally stayed without notice to the decree-holder.

Clause 546.—It is proposed to amend the third paragraph so as to make it clear that an application should be made to the Court which passed the decree, and not to the Court which ordered the sale.

It is thought that the exceptional power to stay execution should, even in the case of immovable property, be subject to reasonable restrictions; and it is accordingly proposed to apply to this case also the conditions prescribed in the first proviso to clause 545.

Clause 548.—On the analogy of the amendment introduced in connection with clause 48, it is proposed to identify the person presenting a memorandum of appeal by endorsement with a view to fixing responsibility in cases of fraud or want of authority.

Clause 549.—The concluding passage with reference to the realization of security by summary process, as in the execution of a decree, will no longer be necessary in view of the general provision inserted in clause 253.

The application of this provision to the case of pauper appellants has been the subject of some divergence of opinion. It is thought expedient not to fetter the discretion of the Court in such cases; but, on the contrary, to direct that security shall ordinarily be taken even from a necessitous or insolvent appellant, if it is proved to the satisfaction of the Court that he is acting in the interest of others well able to furnish security, or where the merits of the case are plainly in favour of the respondent.

The language has been amended so as to show that the time fixed by the Court may be extended, even after the original period has expired.

Clause 553.—It was apparently the intention, and it is understood to be the practice, that each respondent or his pleader should be served with a copy of the grounds of appeal.

Clause 555.—The language of the existing section seems to require that an appeal, the hearing of which cannot be taken up on the day fixed under section 552, must be adjourned to a definite date. This procedure has been found to be needlessly elaborate in the High Courts, where appellate cases are entered in cause-lists and remain pending *de die in diem* until they are reached and decided. In District Courts presided over by a single Judge it is even more difficult to plot out, with any approach to exactness the

number of appeals capable of being decided on a given day, probably some months ahead. It is proposed now to legalize in them also the practice in question.

Clause 558.—Where an Appellate Court has transferred an appeal for disposal to an Assistant or Subordinate Judge, "the Court which made the order of dismissal" should dispose of an application under the section.

Clause 561.—The case-law upon section 561 is not altogether consistent; but it seems to be generally admitted that the working of the provision is productive of hardship. The object was that a party, who is willing to acquiesce in a decree but not to have it modified in favour of his adversary, should not be deprived of redress merely because he has not presented a substantive appeal. It is proposed to make it clear that acquiescence by a party in a decree, not sufficiently burdensome to induce a substantive appeal, should be encouraged, but that, if such party is dragged into the law-courts his opponent should not have it in his power to prevent a proper adjudication. The adoption of this proposal will necessitate the omission of the words "on the hearing of such appeal" from section 16 of the Court-fees Act, 1870.

The question whether the principle embodied in the existing section applies to matters at issue between co-respondents has been the subject of some discussion. On the whole, the soundest view would appear to be that recently formulated in the case of *Bishun Churn Roy Chowdhry v. Jogendra Nath Roy* (1898), I. L. R. 26 Cal. 114, to the effect that a respondent ordinarily should be entitled to urge objections only against the appellant bringing him into Court; but that, by way of exception, objections may be urged as between co-respondents if the appeal opens up questions which cannot otherwise be completely determined. It is proposed to adopt this rule.

Clause 562.—The expression "preliminary point" is very ambiguous. It was probably intended, and it is proposed that it be now declared, to include any ground other than the merits.

The provision is, however, defective in that it does not provide for the extremely numerous cases in which a Court of first instance, without deciding a "preliminary point" at all, has committed some irregularity by reason of which there has been no proper hearing or adjudication and the party complaining has been materially prejudiced. It is proposed to remove this defect. The clause, as amplified, will, to some extent, assimilate the powers of the Civil Appellate Courts to those exercised under section 423, read with Chapter XLV, of the Code of Criminal Procedure, 1898.

Clause 564.—It is a matter of dispute whether a remand ordered in contravention of this provision is void or merely irregular. It is thought that, where the party aggrieved by an illegal order of remand has recourse to his remedy by appeal, the order should, for this purpose, be treated as void; but that, where he has slept upon his right of appeal and has allowed the remanded suit to proceed to a final decree, it is unreasonable that he should be allowed to re-open the interlocutory order, if, in point of fact, justice has been done between the parties.

Clauses 571 to 578.—The alterations here proposed are intended mainly to assimilate the procedure in respect of appellate judgments to the suggestions introduced in the case of clauses 198 to 203. There remain, however, two points to which attention should be directed.

The general principle has been recognised with reference to the equally elaborate provisions of sections 367 and 424 of the Code of Criminal Procedure, 1898, that an appellate judgment should not be set aside, if, though neither long nor elaborate, it indicates clearly that the Judge has duly considered the evidence. The High Courts, moreover, do not require a judgment in the form prescribed by section 367 of the Code of Criminal Procedure where a criminal appeal is summarily dismissed under section 421 (1). As this principle applies with at least equal cogency to a dismissal under section 551 (1) of the Code of Civil Procedure, it is proposed to supersede a decision [*Ram Deka v. Brojo Nath Saitia* (1897), I. L. R. 25 Cal. 97], requiring a formal judgment in such cases. And, where a Judge hearing an appeal has nothing material to add, it is not his business to "sit down and paraphrase the judgment" of the lower Court—see *Queen-Empress v. Pandeh Bhat* (1897), I. L. R. 19 All. 506.

Section 575 as it stands, does not accurately represent the existing practice in appeals before Benches, unless the expression "judgment" has been employed, not in the technical meaning assigned by the definition in clause 2, but in the popular interpretation of a "decision". There is no reason for binding judges, depending upon the points for determination, to sign a collective judgment and thereby commit themselves.

to agreement with reasons from which they may very possibly dissent. The usual practice in such cases is for the concurring members of the Court to state their views in separate judgments although they arrive by different processes of reasoning, at one and the same decision. Similarly, the present section 576, if literally interpreted, seems to constrain a dissentient Judge to hand in a written but imaginary decision or order, but, at the same time, leaves him a discretion to state no reasons for it. It is proposed to recognise the existing practice under which a dissentient member of a Bench delivers what is, to all intents and purposes, a judgment, except that no actual decree or order follows upon it.

The practice of the High Courts in the case of a difference of opinion on the part of a Bench of two judges is stated to be both cumbrous and inconvenient. It is usual for each of such judges to deliver himself of an expression of opinion which has all the formality, without the operative effect, of a judgment and which has the disadvantage of committing him to a view from which, after rehearing before the strengthened Bench, he might otherwise be willing to recede. It would seem to be enough to intimate that the judges are divided in opinion and that the appeal will be reheard by a strengthened Bench which will deliver the authoritative judgment, and it is proposed to lay down this procedure.

Clause 578A.—This provision embodies section 11 of the Suits Valuation Act, 1887, as already indicated in connection with clause 1.

Clause 579.—The existing section is by no means exhaustive of what is required in connection with the preparation of decrees in appeal, and an attempt has been made to amplify it. The memorandum of appeal, which is available for reference on the record has been omitted as unnecessary.

Clause 579A.—It is proposed authoritatively to declare that the appellate decree supersedes the decree appealed from, even though it merely affirms and incorporates it. This is essential in order to prevent limitation in connection with execution.

At the same time, the doctrine of supersession would, if pushed to extremes, produce results which, though strictly logical, are inconvenient; and it is proposed to provide that, while it is to suffice if the appellate decree contains a clear specification of the affirmance and incorporation of the decree appealed from, the latter may be referred to for the purpose of ascertaining the precise adjudication intended.

Clause 579B.—It is a disputed question whether a Court can or cannot amend its decree after it has been affirmed in appeal. It is proposed to remove the doubt by providing that it may do so in so far as its decree has been affirmed, while the existing powers of the tribunal passing the ultimate decree capable alone of execution will not be affected.

Clause 582A.—The language has been slightly modified with a view to showing that, as under the cognate clause 54A, the period fixed by the Court may from time to time be extended.

Clause 583.—This provision has been re-cast with a view to settling some of the more important difficulties that have arisen in connection with it.

The object is to reduce the number of suits by deciding in one proceeding as many questions arising therein as can be conveniently settled by the Court; and it is thought that in these circumstances, claimants should be compelled to have recourse to the remedy here provided, and that consequently all suits should be barred except where a right to sue is given by Chapter XIX.

When the Court passing a superseded decree has ceased to exist, the application should be made to the Court to which its business has been transferred. If, however, the successful litigant is to be precluded from his alternative remedy by suit, it would follow that so much of a series of rulings should be affirmed as declares that, even when the appellate decree is silent upon the subject of restitution, the person seeking such restitution should obtain by summary process whatever would otherwise be obtainable by suit, including, for example, the refund of costs or mesne profits.

It is proposed to follow the ruling in the case of *Balvantrav Ose v. Sadrudin* (1887), 1 L. R. 13 Bom. 485, and provide that, where damages claimed in lieu of restitution exceed the pecuniary limits of the jurisdiction of the Judge executing the transferred decree of an Appellate Court, he is not bound by those limits.

CHAPTER XLII.

OF APPEALS FROM APPELLATE DECREES.

Clause 584.—It is proposed in sub-clause (2) to modify the present section 575 by raising the pecuniary limit in the case of suits of the nature cognizable by Courts of Small Causes from Rs. 500 to Rs. 1,000, and further by barring a second appeal in any other suit unless the value of the subject-matter exceeds one hundred rupees. It is also proposed by sub-clause (3), to require security for costs, etc., where the decrees of the two Courts below are concurrent.

Clause 585.—While providing that no appeal shall lie save as permitted by clause 584, it is proposed to add that the provision is not to be construed so as to preclude the High Court, where the evidence on the record is sufficient to enable it to deliver judgment from determining any issue of fact necessary for the proper adjudication on any of the grounds specified in clause 584, but not determined by the lower Court either of first instance or of appeal. There are conflicting decisions on this question, and it seems desirable to stereotype those which recognise that, where the materials on record are complete, the second Appellate Court must be just as competent as the first to dispose of a matter of fact on written evidence, and that a remand in such a case merely causes delay and increases the costs.

Clause 587.—It is proposed to make it obligatory in second appeals to follow the salutary provisions of clause 551.

CHAPTER XLIII.

OF APPEALS FROM ORDERS.

Clause 588.—The various amendments here proposed have already been discussed either under the definition of "decree" in clause 2 or under the several clauses cited as authorities for the orders enumerated.

Clause 589.—The expression "subordinate to that Court" in the proviso was intended to meet the case of orders such as those made by Courts of Small Causes from which no appeal lies to the District Judge although they are subordinate to him, and words have been added with a view to overriding the distinction drawn by the Madras High Court in the case of *Gnanamuthu Upadesi v. Vana Koilpillai* (1893), 1 L. R. 17 Mad. 379.

Clause 591.—The existing section is verbally inaccurate in not taking account of the right of appeal given by sections 601 and 629.

There are numerous rulings to the effect that there is no law in India compelling a party to resort to a right of appeal from an interlocutory order under the penalty of forfeiting the power to impugn such order in appeal from the final decree. It is thought that, as in the case already dealt with in connection with clause 540, he should be so compelled.

CHAPTER XLIV.

OF PAUPER APPEALS.

Clause 592.—It is proposed to extend these provisions to objections to, as well as to appeals from, decrees.

CHAPTER XLV.

OF APPEALS TO THE KING IN COUNCIL.

Clause 596.—The vagueness of this provision on the subject of the consolidation of suits for the purpose of reaching the pecuniary limit necessary for an appeal has been productive of a number of conflicting rulings. A paragraph has, therefore, been added in accordance with certain of them to the effect that, where separate judgments, each final and conclusive, are given in two suits, they cannot be consolidated, but that it is otherwise where a decision on the same question governs more than one case.

Clause 598(7).—This clause has been added in order to embody decisions laying it down that the provisions of the existing section 602 are not so imperative as to exclude reasonable exercise of discretion in modifying them, and that the period for giving security

and making a deposit may be extended. It is at the same time proposed to enact that, in the event of failure to comply with the requirements of the section, the appeal shall be removed from the list of pending cases.

Clause 610.—The Courts have differed on the question whether the words "for the time being" refer to the rate of exchange at the time of the passing of the order or to that current when the amount is realized. It is proposed to adopt the former.

CHAPTER XLVI.

OF REFERENCE TO THE HIGH COURT.

In the provisions relating to references to the High Court it is not proposed to make any material alterations.

CHAPTER XLVIA.

OF REVISION BY THE HIGH COURT.

In view of the extreme importance of the provisions relating to revision and their entire independence of the question of reference to the High Courts, it is proposed to make the former the subject of a separate chapter.

Clause 622.—There is a considerable body of opinion in favour of placing restrictions on the power here conferred so as to prevent it being used in such a way as to create an informal right of appeal on questions intended by the Code to be finally decided by the lower Courts. The expression "by which the case was *decided*" would appear to suggest that the High Court was not intended to revise an interlocutory order, but that its power of interference should be restricted to decrees. Moreover, it is thought that, as was held by the Privy Council in the case of *Amir Hassan Khan v. Sheo Baksh Singh* (1884), I. L. R. 11 Cal. 6, where a Court has jurisdiction to decide the question before it and in fact decides such question, it cannot be regarded as acting in the exercise of its jurisdiction illegally or with material irregularity merely because its decision is erroneous. And it would seem that the "illegality" provided against should be limited to errors materially affecting the decision on the merits and leading to an actual miscarriage of justice.

Clause 622A.—It is here proposed to provide for the granting and levying of costs in cases of revision.

CHAPTER XLVII.

OF REVIEW.

Clause 623.—The existing title of this Chapter is a misnomer, the word "judgment" being used in the sense familiar to English practice.

It is proposed to restrict the expression "any person considering himself aggrieved" by applying the limitations imposed by clause 540A with respect to appeals.

Clauses 624 and 626.—The language of the existing section 624 has been severely criticised, and the third proviso to section 626 was introduced with a view to removing doubts on the subject; but it is still a question whether an application "*made to any Judge*" may be "*heard*" and "*determined*" by his successor, if it proceeds on grounds other than those specified in section 624. Strictly speaking, no application is "*made under section 624*", which is a provision merely prohibiting the making of applications in certain cases; but it appears that the intention was to allow a judge's successor, where a notice has already been issued, to hear and determine an application proceeding on grounds other than those specified in the section.

CHAPTER XLVIII.

SPECIAL RULES RELATING TO THE CHARTERED HIGH COURTS.

Clause 633.—The expression "judgments and orders" appears to be inaccurate in view of the definitions of those terms and of the word "decree". The provision has been held to permit the framing of rules for the oral delivery of judgments, and, if it warrants the regulation of the recording of "orders", it should equally provide for the entry of "decrees".

CHAPTER XLIX.

MISCELLANEOUS.

Clause 640.—The benefit given to a "woman" by the corresponding section of Act VIII of 1859 has, in one of the reported cases, been conceded to a girl of twelve, and it would seem better to use the wider expression "female".

Clause 642.—The wording has been amplified so as to make it clear that the exemption here conferred is not to be regarded as the privilege of the person attending the Court, but rather as that of the Court which he attends. If, therefore, a witness does not believe his attendance to be required or is arrested for contempt, there should be no privilege. On the other hand, the length of stay is immaterial so long as it is *bona fide* necessary for attendance in the suit.

Clause 646B.—The expression "shall", probably from its juxtaposition to "may" has been interpreted as mandatory; but it is thought that the provision should be merely directory. The judge, before making a reference, ought to be satisfied of the existence of an irregularity and the necessity for interference. The language has, therefore, been slightly altered.

Clause 653A.—The amendments here scheduled have already been noticed in the proper places.

A tabular statement showing how the provisions of Act XIV of 1882 are disposed of in the Bill is appended to the latter.

H. W. C. CARNDUFF,

*Officiating Secretary to the
Government of India.*

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th December, 1901 :—

No. 11 of 1901.

A Bill further to amend the Law relating to Administrators General and Official Trustees.

WHEREAS it is expedient further to amend the law relating to Administrators General and Official Trustees ; It is hereby enacted as follows :—

1. (1) This Act may be called the Administrators General and Official Trustees Act, 1902 ; and

(2) It shall be deemed to have come into force on the first day of January, 1902.

2. In this Act, and in the Administrator General's Act, 1874, and the Official Trustees Act, 1864, the expressions "Administrator General" and "Official Trustee" shall be deemed to include a Deputy Administrator General and a Deputy Official Trustee.

3. Notwithstanding anything in the Administrator General's Act, 1874, or the Official Trustees Act, 1864, the Administrator General may be remunerated by such fixed salary and allowances, and on such terms and subject to such conditions, as the Governor General in Council may direct ; and, where he is so remunerated, he shall be entitled to no further remuneration whatsoever, but shall transfer and pay to such officer, in such manner, and at such times, as the Governor General in Council may, by general or special order, require, all moneys payable to and received by him as Administrator General or, if he is also Official Trustee, as Official Trustee, by way of commission, fees or costs, or otherwise howsoever, and the same shall be carried to the account and credit of the Government for the general purposes of the Government ;

and in such case all the expenses of the establishment necessary for the office of the Administrator General, and, if he is also Official Trustee, for that of Official Trustee, including the provision of office accommodation, together with all other charges to which the said office or offices may be subject, and all payments made by the Administrator General as such or as Official Trustee in respect of any estate in his charge, or any trust of which he is the Official Trustee, and the costs of all litigation incurred by the Administrator General as such or as Official Trustee, shall be defrayed by the Government :

Provided that nothing in this Act or in any of the Acts aforesaid shall be deemed to render the Government or the Administrator General appointed after the commencement of this Act liable for anything done or purporting to be done by or under the authority of the Administrator General before the commencement of this Act, or, where the Administrator General is also Official Trustee, for anything done or purporting to be done by or under the authority of any Official Trustee appointed before the appointment of the Administrator General to be Official Trustee :

Provided, also, that the Administrator General appointed after the commencement of this Act and remunerated by such fixed salary and allowances as aforesaid shall be liable to account only to the Government for anything done or purporting to be done by or under his authority as Administrator General, or, where the Administrator General is also Official Trustee, for anything done or purporting to be done by or under his authority as Official Trustee, and the Government shall be deemed to be responsible for the civil liabilities incident to anything so done.

4. Section 6, the second proviso to section 9, and section 56, of the Administrator General's Act, 1874, are hereby repealed.

5. (1) So far as regards the Administrator General of any of the Presidencies of Bengal, Madras and Bombay, the High Court at the Presidency-town may, either of its own motion or on application made to it, give to such Administrator General any general or special directions in regard to any estate in his charge or any trust of which he is the Official Trustee, or in regard to the administration of any such estate or trust.

(2) The High Court of the Province may, in like manner, give similar directions to any private executor or administrator other than the Administrator General acting officially.

[*Cf. ibid.*, s. 4.] Power for High Court to make rules. 6. (1) So far as regards the Administrator General of any of the Presidencies of Bengal, Madras and Bombay, the High Court at the Presidency-town may make rules, consistent with the Administrator General's Act, 1874, and any rules for the time being in force thereunder, and, where the Administrator General is also Official Trustee, consistent with the Official Trustees Act, 1864, and any rules for the time being in force thereunder,—

- (a) for the safety of any property belonging to any estate or trust administered by him and the custody of such property;
- (b) for the filing and auditing of the accounts of any estate or trust administered by him;
- (c) for preventing the employment of other persons at the expense of an estate or trust administered by him, except in cases of strict necessity;
- (d) for dispensing with formal proof in proper cases; and
- (e) for facilitating the discharge of administrative duties under the Administrator General's Act, 1874, or the Official Trustees Act, 1864, without judicial proceedings, and otherwise regulating procedure under the said Acts and making it simple and inexpensive.

(2) So far as regards private executors or administrators, the High Court of the Province may make any such rules as aforesaid, and may further make rules—

- (a) for requiring such executors or administrators to give security for the due application of any property belonging to any estates or trusts administered by them;
- (b) for determining and limiting the remuneration of such executors or administrators, for fixing and regulating the fees (if any) taken by them, and for paying such remuneration and fees (if any) out of the property belonging to such estates or trusts; and
- (c) for suspending or removing any such executor or administrator and providing for the succession of another person to the office of any such executor or administrator who may cease to hold office, and the vesting

in such successor of any property belonging to the estate or trust:

Provided that no such executor or administrator shall be entitled to receive or retain any commission or agency charges at a higher rate than that fixed for the time being in respect of the Administrator General or the Official Trustee, as the case may be.

(3) The High Court of the Province may make rules for assigning jurisdiction under the Administrator General's Act, 1874, or the Official Trustees Act, 1864, to subordinate Courts, and for defining such jurisdiction.

7. The Administrator General acting as such General powers of administration. or as Official Trustee, and any private executor or administrator, may, in addition to, and not in derogation of, any other powers of expenditure lawfully exercisable by him, but subject always to such rules relating thereto as may be made under section 6 of this Act, or under the Administrator General's Act, 1874, or, where the Administrator General is also Official Trustee, under the Official Trustees Act, 1864, incur expenditure—

- (a) on such acts as may be necessary for the proper care and management of any property belonging to any estate or trust administered by him; and
- (b) on such religious, charitable and other objects, and on such improvements, as may be reasonable and proper in the case of such property.

8. Notwithstanding anything in the Administrator General's Act, 1874, or in any other enactment

Provision for administration by consular officer in case of death in certain circumstances of foreign subject.

or rule of law for the time being in force, the Governor General in Council may, by general or special order, direct that, where a subject of a foreign State dies in British India and it appears that there is no one in British India, other than the Administrator General, entitled to apply to a Court of competent jurisdiction for letters of administration of the estate of the deceased, letters of administration shall, on the application to such Court of any consular officer of such foreign State, be granted to such consular officer on such terms and conditions as the Court may, subject to any rules made in this behalf by the Governor General in Council by notification in the Gazette of India, think fit to impose.

9. This Act shall be read with, and taken as amending, the Administrator General's Act, 1874, and the Official Trustees Act, 1864.

Act to be read with Acts II, 1874, and XVII, 1864.

II of 1874. XVII of 1864.

STATEMENT OF OBJECTS AND REASONS.

It has been decided to reconstitute, and eventually to combine, the offices of Administrator General and Official Trustee in Bengal, to place the incumbent a public servant remunerated by the Government, and to bring the office under closer control, to be exercised in this instance largely through the medium of the High Court. The legislation now proposed is intended to alter the law to the extent necessary to give effect to these changes.

C. M. RIVAZ.

The 17th December, 1901.

NOTES ON CLAUSES.

*Clause 1 (1).—*The present Administrator General will retire on the 1st January, 1902, and his successor is to be appointed on the altered terms and conditions referred to in the statement above. This Bill, however, cannot conveniently be passed through the Legislative Council into law before the date mentioned, and consequently it will be necessary to give it retrospective effect.

*Clause 2.—*When the opportunity arises the Administrator General will be appointed Official Trustee also, and it is intended then to provide him with the assistance of a Deputy, who should be competent to act for him and perform any of the functions of Administrator General or Official Trustee. Section 9 of the Administrator General's Act, 1874 (XIV of 1874), and section 6 of the Official Trustees Act, 1864 (XVII of 1864), as they stand, already contemplate the combination of these two offices.

*Clause 3.—*This clause is meant to carry out the main object of the legislation proposed. Henceforth the Government will be responsible for the acts of the officer appointed by it, but not—see the proviso to the clause—so as to take over any of the liabilities incurred under the system about to be superseded.

*Clause 4.—*The appointment of Administrator General is such that it might suitably be filled by an attorney or solicitor, and it seems unnecessary to retain the provisions of section 6 of the Act of 1874. In the case of Official Trustees, although such appointments have, it is believed, regularly been held by barristers, that qualification is not required by Act XVII of 1864.

The second proviso to section 9 of the Act of 1874 lays it down that the Administrator General of Bengal may hold the office of Receiver of the High Court of Judicature at Fort William. The intention is hereafter to combine the offices of Official Assignee and Official Receiver, and it will be inexpedient to impose on the Administrator General and Official Trustee any addition to his duties as such. It is, therefore, proposed to repeal the proviso in question.

Section 56 of the Act declares that no person other than the Administrator General acting officially shall receive or retain any commission or agency charges for anything done by him as executor or administrator. The prohibition has, it is believed, been a dead letter, and the Government have no desire to keep it in the Statute-book.

*Clause 5.—*This clause has been suggested by section 1, sub-section (4), of the Judicial Trustees Act, 1896 (59 & 60 Vict., c. 35). It will enable the appropriate judicial authority to give, either with or without request, directions regarding the administration of any estate or trust, whether the Administrator General or Official Trustee or a private executor or administrator is concerned.

*Clause 6.—*It is here proposed to invest the proper High Court with power to make supplementary rules for the guidance, on the one hand, of the Administrator General and Official Trustee and, on the other, of private executors and administrators. Here, again, some of the provisions of section 4 of the Judicial Trustees Act, 1896, have been closely followed.

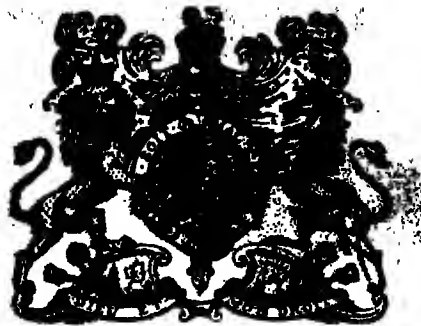
It will be understood that, and the Administrator General, the High Court must (as in section 14 of the present Act, the language of which has been adhered to) be the High Court at the Presidency-town where the Administrator General's office is located, and is not necessarily the High Court of the Province where the particular proceedings concerned are taken.

*Clause 7.—*The object of this clause is to remove doubts which appear to have in practice been raised as to the power of the Administrator General or Official Trustee in incurring expenditure in the directions indicated.

*Clause 8.—*The opportunity has been taken to add this clause in order to render it possible to make applicable to India the provisions of such a convention as that which has recently been concluded between the British Government and the Government of Japan for the reciprocal protection of the estates of deceased foreigners.

H. W. C. CARNDUFF,

Off. Secretary to the Government of India.



SUPPLEMENT TO
The Gazette of India.

No. 511. CALCUTTA, SATURDAY, DECEMBER 21, 1901.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known. The Debates of the Legislative Council of His Excellency the Governor General will in future be published in PART VI of the GAZETTE.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of five Rupees per annum if delivered in Calcutta, or eight Rupees if sent by Post. The SUPPLEMENT and PART VI of the GAZETTE can also be subscribed for separately on a payment of Rupees six per annum if delivered in Calcutta or Rupees nine if sent by Post.

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the Table of the GAZETTE must be looked to.

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

REVIEW OF THE REPORTS ON THE ADMINISTRATION OF JAILS IN THE PROVINCES OF BRITISH INDIA FOR THE YEAR 1900.

No. 510—521.

Extract from the Proceedings of the Government of India, Home Department (Jails),—under date Calcutta, the 12th December 1901.

READ—

The Reports on the administration of Jails in the Provinces of British India for the year 1899, the orders of the Local Governments and Administrations thereon, and Home Department Resolution No. 453—64, dated the 1st November 1900, and accompaniments.

Letter to the Under Secretary of State, No. 22, dated the 8th November 1900.

The Reports on the administration of Jails in the Provinces of British India for the year 1900, with the orders of the Local Governments and Administrations thereon.

RESOLUTION.

THE general distribution of prisoners of all classes in the jails in India is shown in Statement No. I appended to this Resolution. The number of persons including under-trial prisoners admitted to jail in 1900 exceeded the number admitted in 1899 by 21 per cent., and was higher than in any of the past five years. The increase occurred in every Province except Burma and Assam, and is in all cases attributable to security and discipline. In Burma, which Province was not affected by the increase, the admissions to jail were

2. The number of convicts admitted to jail was smaller than in 1897, but higher than in 1898 and 1899. As Statement No. 2-A shows, there was an increase in the numbers convicted of offences connected with property, *viz.*, theft, robbery, dakaity, receiving and concealing stolen property and house-breaking and house-trespass, of nearly 40 per cent.

3. The number of juveniles sentenced to imprisonment was 57 per cent. higher than in 1899. The Government of India notice these figures with regret and they are constrained once more to emphasize the desirability of impressing on Magistrates the inexpediency of imprisoning juvenile offenders except when no other alternative is possible. The point is noticed, they are glad to observe, by the Governments of Madras, the Punjab and Bengal, and in the orders on the Central Provinces and Hyderabad Assigned Districts reports.

4. The statistics relating to the occupation of the prisoners previous to admission show an increase during the year under review, of nearly 50 per cent. in the number of persons employed in mechanical arts, manufactures, engineering operations, and such like. This result is mainly due to the fact that 6,037 people belonging to these classes were imprisoned in the Bombay Presidency and Sind as compared with 2,702 in 1899. The number of "persons in service or performing personal services" imprisoned was 24 per cent. more than in the previous year. There was also an increase of 16 per cent. in the case of "persons engaged in commerce and trade," of 14 per cent. in "persons engaged in agriculture and with animals," of nearly 11 per cent. in the number of "professional persons," and of 8 per cent. in "persons employed under Government or municipal or other local authorities." Under the head "Miscellaneous persons not classed otherwise," the increase as compared with 1899 amounted to nearly 25 per cent.

5. The percentage of persons previously convicted to persons admitted to jail rose from 13.75 to 14.15 during the year. The proportion of such prisoners continued to be highest in the Central Provinces and Burma, and there appears to be reason for supposing that more attention is paid to the work of identification in these Provinces than elsewhere.

Attention continues to be given to the latest systems of identifying convicts with generally satisfactory results. In Madras a system of taking finger-tip impressions of all prisoners in jail was carried out during the year, and by a substitution of this for the Bertillon method, a saving of time and an improvement in results is hoped for. Both in Bombay and Bengal a larger number of prisoners were identified by means of finger-tip impressions than in the previous year. In the North-Western Provinces and Oudh particular attention is devoted to the system, and the work of the Criminal Identification Bureau continues to show an improvement on previous years. In Burma it will be necessary to await the accumulation of a larger stock of finger-prints and the acquirement of greater dexterity in handling them before marked results can be expected. The Government of India note with satisfaction the attention devoted to this branch of the subject.

6. The important question of jail discipline appears to have been handled with success in the year under review. In spite of the material increase in the jail population the total number of punishments inflicted has increased very slightly. The ratio of punishments to the daily average population has declined in Madras, Bombay, Bengal, the Punjab, Burma, the Central Provinces and Berar. It has increased very slightly in the North-Western Provinces and Oudh. In Assam the total number of punishments has increased by nearly 58 per cent., a result which is partly attributed in the Provincial report to the stricter enforcement of jail discipline. The number of corporal punishments was less than in any of the previous five years and was 10 per cent. less than in 1899. The only Province in which an increase occurred was the Punjab.

The Government of India consider the general results as to the punishment of convicts, showing, as they do, that it has been found possible to maintain discipline over a materially larger number of convicts with a very small addition to the total number of punishments, to be satisfactory.

7. The reports for the year under review show that attention continues to be paid to the provision of cellular accommodation for prisoners. In the Madras Presidency, such accommodation is at present available for more than a quarter of the daily average population and further cellular accommodation is being

constructed have as yet been provided in any of the prisons in the Bombay Presidency, but this will be done in the sleeping barracks of the new jail at Karachi. In Bengal the erection of fresh cubicles is in progress in the Alipore and Bhagalpur Central Jails. In the North-Western Provinces and Oudh the fitting up of the habitual prisoners' barracks in the Bareilly Central Prison with iron cubicles has been completed. Cubicles are also being provided in the Agra, Allahabad, and Lucknow Central Prisons and the Inspector General anticipates that their employment will have a deterrent effect on habitual prisoners. In the Punjab, provision was made for the construction of 50 cubicles in connection with the extension of the Bannu Jail. In Coorg the construction of cubicles in one of the wards of the Mercara Jail has been completed. In the Hyderabad Assigned Districts, owing to want of funds, the project for extending the Amraoti Jail, in which cubicles are to be provided, has been allowed to stand over for a year.

8. There has, as was natural, been an increase in the average cost of maintaining a prisoner in jail in 1900 as compared with 1899. The gross cost per head of average strength rose from Rs 59-10-5 to Rs 64-9-3 and varied from Rs 125-11-1 in Coorg to Rs 50-6-11 in the North-Western Provinces and Oudh. An increase in the cost per head is shown in the reports of every Province with the exception of Bengal and the Central Provinces and appears to be directly attributable (except in Burma) to the rise in dieting charges. Although the daily average number of prisoners in the year under review was more than 4,000 in excess of the number in 1897 (the previous famine year), the total cost of maintenance was slightly less in 1900 than in 1897, and the average gross cost less by Rs 2-12-4. The cash earnings again, though lower than in 1899, were considerably higher than in 1897, and consequently the net cost of each prisoner in 1900 was nearly Rs 4 less than in 1897. Considering the character of the year these results are favourable, and testify to economical and efficient management.

9. A note by the Director General of the Indian Medical Service on the sickness and mortality in the jails during the year under review is appended, and contains a detailed examination of the results in the different Provinces. The total death-rate over all the jails and subsidiary jails in British India was 33.46 per mille. The figure is, as was to be expected, higher than that of the previous year, but it compares favourably with that of the famine year 1897, when the rate was 39.64. It also compares favourably with the rate of mortality recorded in 1900 among the free population (38.6). In Bombay, Bengal, the Punjab, Coorg and the Hyderabad Assigned Districts, the figure is higher than was the case in 1897, and the only localities in which the rate is lower for 1900 than for 1899 are the North-Western Provinces and Oudh, Assam and Coorg. The year was naturally an unfortunate one for the jail population. It was necessary to cope with suddenly enhanced demands on accommodation, and a large portion of the prisoners convicted in some Provinces entered jail in a weaker condition than in a normal year.

10. The main features of the year's administration were undoubtedly the famine conditions prevailing, the resulting strain on the accommodation of the jails and the high prices which occasioned an increase in the cost of maintaining the prisoners. The difficulties have been, in the opinion of the Government of India, met with commendable success. The general death-rate cannot be considered excessive, and the figures which throw light on the discipline maintained have already been shewn to be markedly favourable.

ORDER.—Ordered, that a copy of this Resolution be forwarded to all Local Governments and Administrations for information and guidance and to the Department of Finance and Commerce for information.

Ordered, also, that the Resolution be published in the Supplement to the Gazette of India.

[True Extract.]

J. P. HEWETT,
Secretary to the Govt. of India.

Statements appended to Home Department Resolution
Nos. 510—521-Jails, dated the 12th December 1901.

No. I.

GENERAL SUMMARY SHEWING the DISTRIBUTION of the PRISONERS of all CLASSES

1			2			3			4			5		
PROVINCE AND YEAR.			PLACES OF CONFINEMENT.			PRISONERS IN JAIL AT THE COMMENCEMENT OF THE YEAR.			RECEIVED DURING THE YEAR.			TOTAL.		
			Central jails.	District jails.	Subordinate jails and lock-ups.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
Madras ...	...	1896	7	12	303	9,430	241	0,671	67,528	2,883	70,411	76,958	3,124	80,082
		1897	7	12	303	10,025	248	10,273	86,713	3,605	90,318	96,738	3,853	10,591
		1898	7	12	303	10,445	265	10,710	89,378	4,914	94,282	99,823	5,160	104,902
		1899	7	12	303	10,490	243	10,733	81,122	4,377	85,499	91,612	4,620	96,232
		1900	7	11	304	10,805	240	11,045	107,708	5,480	113,188	118,513	5,720	124,233
Bombay	...	1896	3	15	(a)28	7,089	265	8,254	76,336	3,923	80,259	84,325	4,188	88,513
		1897	3	15	(a)28	8,402	225	8,717	84,922	4,401	89,391	93,414	4,604	98,108
		1898	3	14	(a)20	9,284	252	9,536	80,490	3,904	84,454	88,774	4,216	93,990
		1899	3	14	(a)33	10,022	252	10,274	94,730	4,018	98,048	104,752	5,170	109,922
		1900	3	14	(a)33	12,617	321	12,938	126,518	8,874	135,392	139,135	9,195	148,330
Bengal ...	...	1896	7	40	85	(b) 16,512	305	16,007	89,107	3,594	92,701	105,610	3,980	109,608
		1897	7	40	85	18,260	492	18,850	110,939	5,331	116,270	126,199	5,821	135,020
		1898	7	40	85	18,970	477	19,447	92,527	3,677	94,204	109,497	4,154	113,651
		1899	8	40	84	18,238	505	18,743	90,315	3,554	93,869	108,553	4,050	112,612
		1900	8	40	84	19,210	470	19,680	92,547	4,098	96,645	118,757	4,568	123,325
North-Western Provinces and Oudh		1896	6	43	18	30,765	1,430	(c) 32,195	101,753	7,233	108,986	132,518	8,663	141,181
		1897	6	43	18	34,101	1,401	(d) 35,502	123,880	9,539	133,519	157,981	11,133	169,114
		1898	6	43	18	33,141	1,280	(e) 34,421	79,883	5,004	84,047	113,024	6,344	119,368
		1899	6	43	18	28,631	1,049	29,680	78,049	4,301	82,050	107,280	5,350	112,630
		1900	6	43	18	28,882	937	29,819	91,639	5,848	97,487	120,521	6,785	127,306
Panjab ...	...	1896	5	28	22	11,543	320	11,863	52,485	1,574	54,059	64,028	1,894	65,922
		1897	5	28	21	12,413	323	12,736	58,827	1,592	60,419	71,200	1,915	73,115
		1898	5	28	21	12,899	209	(f) 13,108	53,347	1,658	55,005	66,246	1,927	68,173
		1899	5	28	21	12,849	326	13,175	63,543	1,821	65,364	76,302	2,147	78,539
		1900	5	28	21	14,585	353	14,938	69,722	2,135	71,857	84,307	2,488	86,795
Burma ...	...	1896	7	23	...	14,024	133	14,157	32,135	1,134	33,269	46,150	1,267	47,426
		1897	7	24	...	(g) 14,179	157	14,336	29,515	1,078	30,593	43,694	1,235	44,929
		1898	7	24	...	12,750	136	12,886	25,832	957	26,790	38,582	1,093	39,675
		1899	7	24	...	12,072	118	12,190	27,023	966	27,989	39,005	1,084	40,179
		1900	7	24	...	18,831	129	12,960	25,363	915	26,278	38,194	1,044	39,238
Central Provinces	...	1896	3	15	1	4,578	305	4,883	10,926	1,857	12,783	24,504	2,162	26,666
		1897	3	15	1	5,774	350	6,124	27,034	2,245	29,882	33,408	2,598	36,006
		1898	3	15	1	5,973	287	6,260	11,424	952	12,376	17,307	1,239	18,616
		1899	3	15	1	4,037	187	4,224	12,031	1,030	13,061	16,008	1,217	18,185
		1900	3	15	1	4,233	213	4,446	20,282	1,076	21,958	24,515	1,819	26,404
Assam ...	...	1896	...	9	13	1,447	38	1,485	8,474	563	9,037	9,021	661	10,522
		1897	...	9	13	1,578	37	1,615	8,096	452	8,548	9,074	489	10,103
		1898	...	9	14	1,476	30	1,506	8,608	394	9,002	10,184	424	10,508
		1899	...	9	15	1,540	23	1,563	8,035	380	8,415	10,175	403	10,578
		1900	...	9	15	1,539	28	1,567	7,930	408	8,338	9,409	430	9,905
Coorg ...	...	1896	...	1	25	99	5	104	623	38	661	722	43	765
		1897	...	1	25	103	...	103	623	34	657	726	34	760
		1898	...	1	25	72	1	73	814	25	839	886	26	912
		1899	...	1	25	100	3	103	687	38	725	787	41	828
		1900	...	1	25	89	3	92	821	26	847	910	29	939
Hyderabad Assigned Districts (h)		1896	2	5	...	1,496	46	1,542	4,715	299	5,014	6,211	345	6,556
		1897	2	5	...	1,607	58	1,665	8,333	418	8,751	9,940	470	10,416
		1898	2	5	...	1,885	50	1,935	3,706	347	4,023	5,501	367	5,958
		1899	2	5	...	1,387	53	1,440	5,084	316	5,400	6,471	369	6,840
		1900	2	5	...	1,870	51	1,921	7,513	392	7,905	9,393	443	9,826
TOTAL	...	1896	40	101	495	97,883	3,178	101,061	453,082	23,008	476,180	550,965	20,276	577,241
		1897	40	102	494	106,552	3,382	109,934	539,482	28,806	568,348	646,034	32,248	678,282
		1898	40	101	496	106,895	3,047	109,942	444,000	21,012	465,921	550,904	24,959	575,863
		1899	41	101	500	99,366	2,759	102,125	462,719	21,701	484,420	562,085	24,460	586,545
		1900	41	190	501	106,661	2,745	109,406	557,043	29,852	586,895	663,704	32,597	696,301

(a) Exclusive of lock-ups.

(h) Excluding one State prisoner in the Dacca Central Jail, hence the difference between the prisoners remaining at the end of 1895 and those in jail at the commencement of 1896.

CONFINED in the JAILS and SUBSIDIARY JAILS of BRITISH INDIA in the calendar years 1896 to

6			7			8			PROVINCE AND Y
DISCHARGED FROM ALL CAUSES.			REMAINING AT THE END OF THE YEAR.			TOTAL DAILY AVERAGE NUMBER OF PRISONERS.			
Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	
66,933	2,876	69,809	10,025	248	10,273	9,334	253	9,587	1896
80,293	3,588	83,881	10,445	205	10,710	10,079	249	10,328	1897
89,331	4,926	94,257	10,492	243	10,735	10,640	296	10,936	1898
80,807	4,380	85,187	10,805	240	11,045	10,479	268	10,747	1899
105,205	5,407	110,612	13,308	313	13,621	12,526	306	12,832	1900
75,833	3,063	78,896	8,402	225	8,717	8,000	248	8,248	1896
84,130	4,442	88,572	9,284	252	9,536	9,143	238	9,381	1897
79,752	3,004	82,756	10,022	252	10,274	9,909	258	10,167	1898
92,134	4,849	96,983	12,618	321	12,939	10,671	278	10,949	1899
126,851	8,839	135,690	12,254	356	12,610	14,304	421	14,725	1900
87,359	3,499	90,858	18,260	490	18,750	17,034	465	17,499	1896
710,229	5,044	115,573	18,970	477	19,447	19,077	477	19,554	1897
91,259	3,649	94,908	18,238	505	18,743	18,516	472	18,988	1898
89,370	3,589	92,959	19,183	470	19,653	18,643	474	19,117	1899
98,245	4,070	102,315	20,462	492	20,954	20,244	515	20,759	1900
98,409	7,169	105,578	34,109	1,494	35,603	31,602	1,381	32,983	1896
124,920	9,858	134,778	33,061	1,275	34,336	34,830	1,427	36,257	1897
84,393	5,295	89,688	28,031	1,049	29,080	30,971	1,162	32,133	1898
78,398	4,413	82,811	28,882	947	29,829	28,313	992	29,305	1899
90,722	5,091	95,813	29,799	1,094	30,893	30,013	1,067	31,080	1900
51,595	1,571	53,166	12,433	323	12,756	11,014	326	11,340	1896
58,305	1,640	59,945	12,895	269	13,164	12,857	283	13,140	1897
53,307	1,601	54,908	12,849	326	13,175	12,051	302	12,353	1898
61,803	1,704	63,507	14,589	353	14,942	13,499	340	13,839	1899
68,836	2,128	70,964	15,471	300	15,771	15,547	390	15,937	1900
31,988	1,110	33,098	14,171	157	14,328	14,311	150	14,461	1896
30,944	1,090	32,034	12,750	136	12,886	13,310	126	13,436	1897
20,510	975	21,485	12,072	118	12,190	12,539	133	12,672	1898
26,264	955	27,219	12,831	129	12,960	12,416	131	12,547	1899
26,231	933	27,164	11,963	111	12,074	12,388	129	12,517	1900
18,730	1,812	20,542	5,774	350	6,124	5,244	358	5,602	1896
27,435	2,311	29,746	5,973	287	6,260	7,016	385	7,401	1897
13,300	1,052	14,352	4,037	187	4,224	4,831	223	5,054	1898
12,735	1,004	13,739	4,233	213	4,446	3,932	200	4,132	1899
19,243	1,642	20,885	5,272	247	5,519	5,302	292	5,594	1900
8,343	564	8,907	1,578	37	1,615	1,490	43	1,533	1896
8,198	450	8,648	1,476	30	1,506	1,470	29	1,499	1897
8,544	401	8,945	1,540	23	1,563	1,553	30	1,583	1898
8,642	375	9,017	1,533	28	1,561	1,501	33	1,534	1899
7,892	400	8,292	1,577	30	1,607	1,589	30	1,619	1900
619	43	662	103	...	103	96	5	101	1896
654	33	687	74	1	75	84	2	86	1897
786	23	809	100	3	103	92	2	94	1898
608	38	646	80	3	83	114	3	117	1899
765	29	794	145	...	145	114	2	116	1900
4,604	287	4,891	1,607	58	1,665	1,382	51	1,433	1896
8,055	426	8,481	1,885	50	1,935	1,851	47	1,898	1897
4,204	314	4,518	1,387	53	1,440	1,564	40	1,604	1898
4,601	318	4,919	1,870	51	1,921	1,375	51	1,426	1899
7,698	362	8,060	1,685	81	1,766	1,870	57	1,927	1900
444,413	22,804	467,217	106,552	3,382	109,934	100,407	3,280	103,687	1896
530,223	29,206	559,429	106,811	3,042	109,853	109,747	3,263	113,010	1897
451,536	22,200	473,736	99,368	2,759	102,127	103,266	2,927	106,193	1898
455,452	21,715	477,167	100,633	2,745	103,378	101,033	2,770	103,803	1899
551,768	29,513	581,281	111,936	3,684	115,620	113,977	3,209	117,186	1900
									TOTAL

(c) Excluding the prisoners confined in lock-ups situated and controlled outside the Jail Department or in custody in Magistrates' Camps; hence the difference between the number of prisoners remaining at the end of 1895, and those in Jail at the commencement of 1896.

(d) As civil prisoners are not confined in the Mirzapur District Jail, 8 civil prisoners wrongly shown in column 7 in 1896 are remaining have this year been excluded.

(e) Including 80 male and 5 female prisoners in the Mirzapur Lock-up, which lock-up last year was outside the jail; hence the difference between the number remaining at the end of 1895, and those in Jail at the commencement of 1896.

No. 2.

NUMBER and DISPOSAL of the CONVICTS in the JAILS and SUBSIDIAR

1	PROVINCE AND YEAR.	2		3		4		RECEIVED B					
		In jail at the commencement of the year.		Imprisoned during the year.		Total.		A					
								To UNDERGO SENTENCE.					
								From jails in the province.		From subsidiary jails to district jails in the province.		From jails outside the province.	
		M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Madras	1896	8,303	213	24,165	1,495	32,468	1,708	1,556	43	84	...	14	...
	1897	8,313	211	30,188	2,010	38,401	2,221	2,273	26	211	3	25	...
	1898	8,735	217	32,424	3,193	41,159	3,410	3,052	91	13	...	11	...
	1899	8,895	210	27,999	2,853	36,804	3,063	2,117	86	...	...	2	...
	1900	8,514	208	34,385	3,528	42,899	3,736	3,001	56	197	12	...	...
Bombay	1896	6,979	217	14,341	810	21,320	1,027	2,395	67	1,027	60	6	...
	1897	7,115	200	19,579	1,126	26,694	1,326	2,118	55	1,795	51	15	...
	1898	7,997	207	17,531	981	25,528	1,188	2,327	20	543	27	22	...
	1899	8,787	219	20,417	1,151	29,204	1,370	2,168	40	269	32	6	...
	1900	10,097	250	30,070	1,983	40,167	2,223	2,690	37	586	34	12	...
Bengal	1896	(a) 15,387	356	34,525	1,318	49,912	1,674	8,402	381	11,681	395	34	...
	1897	16,902	446	41,804	2,030	58,706	2,476	8,498	428	13,893	549	3	...
	1898	17,341	392	34,630	1,366	51,971	1,758	7,615	266	11,587	351	18	...
	1899	16,756	431	34,297	1,303	51,053	1,734	7,505	341	12,263	353	70	...
	1900	17,278	410	37,820	1,504	55,098	1,914	8,153	339	12,028	371	37	...
North-Western Provinces and Oudh	1896	29,129	1,338	43,235	4,027	72,364	5,365	11,836	670	1,037	82	130	...
	1897	30,911	1,337	49,832	5,389	80,743	6,726	10,171	815	1,093	104	110	...
	1898	31,209	1,170	31,926	2,793	63,125	3,963	11,045	386	...	...	141	...
	1899	26,856	977	31,787	2,191	58,643	3,168	10,139	404	...	...	110	...
	1900	27,055	866	35,305	2,992	62,360	3,858	13,257	480	...	...	105	...
Panjab	1896	10,646	291	21,455	614	32,101	905	6,006	132	...	...	7	...
	1897	11,120	281	23,521	618	34,641	899	7,345	121	...	...	7	...
	1898	11,628	229	20,836	574	32,404	803	6,149	130	...	...	7	...
	1899	11,545	270	22,418	675	33,093	945	9,800	177	...	...	8	...
	1900	12,607	309	25,574	820	38,181	1,129	9,773	198	...	...	6	...
Burma	1896	13,610	121	18,907	801	32,517	922	2,803	27	...	...	448	...
	1897	(b) 13,855	151	17,217	739	31,072	890	2,764	21	...	...	585	...
	1898	12,476	130	15,638	674	28,114	804	1,844	14	...	...	177	...
	1899	11,822	113	16,288	629	28,110	742	2,082	49	...	...	113	...
	1900	12,513	122	15,619	609	28,132	731	1,883	48	...	...	160	...
Central Provinces	1896	4,353	228	8,378	1,188	12,731	1,476	1,514	105	2	...	3	...
	1897	5,399	334	11,769	1,385	17,168	1,719	1,901	144	...	...	...	...
	1898	5,778	275	4,741	549	10,519	824	1,255	36	1	...	4	...
	1899	3,826	175	5,171	595	8,937	770	956	27	4	1	3	...
	1900	3,810	182	8,954	1,065	12,764	1,247	1,547	56	18	1	7	...
Assam	1896	1,305	31	(c) 3,907	(c) 258	5,212	289	255	13	659	18	1	...
	1897	1,513	34	(c) 3,681	(c) 224	5,194	258	259	13	737	10	4	...
	1898	1,354	26	(c) 3,890	(c) 190	5,244	216	340	9	812	25	8	...
	1899	1,446	19	(c) 3,905	(c) 167	5,351	186	428	13	868	13	4	...
	1900	1,401	25	(c) 3,551	(c) 167	4,952	192	362	22	617	15	1	...
Coorg	1896	87	4	117	10	204	14	...	...	70	1	...	...
	1897	85	...	112	7	197	7	...	...	66	6	...	...
	1898	61	1	202	3	263	4	...	...	111	6	...	...
	1899	96	2	177	6	273	8	...	...	53	8	...	...
	1900	81	3	241	5	322	8	...	...	84	1	...	...
Hyderabad Assigned Districts	1896	1,353	41	2,275	107	3,628	238	273	7	...	...	51	...
	1897	1,435	55	3,560	274	4,995	329	470	23	...	...	39	...
	1898	1,761	48	1,757	212	3,518	260	210	7	...	...	68	...
	1899	1,335	48	1,836	195	3,171	243	193	24	...	...	31	...
	1900	1,419	46	3,073	272	4,492	318	474	36	...	...	18	...
TOTAL	1896	91,152	2,900	171,305	10,718	262,457	13,618	35,040	1,445	14,569	556	694	1
	1897	96,548	3,049	201,263	13,802	297,811	16,851	41,739	1,646	17,785	723	818	1
	1898	98,340	2,695	163,575	10,535	261,915	13,230	33,837	959	13,067	412	456	8
	1899	91,364	2,404	164,295	9,765	255,659	12,229	35,888	1,161	13,457	407	347	3
	1900	94,775	2,421	194,592	12,945	289,367	15,366	41,140	1,272	13,530	434	346	3

(a) See note (b) to table No. 1.

(b) See note (c) to table No. 1.

FAILS of BRITISH INDIA in the calendar years 1896 to 1900.

TRANSFER				6			7				PROVINCE AND YEAR
B.				GRAND TOTAL.	TRANSFERRED TO OTHER JAILS.						
IN TRANSIT FOR TRANSPORTATION OR TO OTHER JAILS.					A		B				
From Jails in the province.		From Jails outside the province.			To undergo sentence.		For transportation beyond seas.				
M.	F.	M.	F.	M.	F.	Total.	M.	F.	M.	F.	
12,061	330	41	2	47,124	2,083	49,207	14,430	365	116	7	1896
17,305	385	...	...	58,215	2,637	60,852	19,441	393	90	1	1897
18,396	444	3	...	62,634	3,947	66,581	21,460	522	75	4	1898
16,172	422	5	1	55,190	3,572	58,762	18,080	498	92	12	1899
24,952	565	...	...	71,049	4,369	75,418	27,580	600	181	7	1900
29	1	...	...	24,777	1,155	25,932	3,363	120	150	0	1896
59	...	...	...	30,681	1,432	32,113	3,752	108	26	1	1897
137	9	1	...	28,558	1,249	29,807	2,900	47	149	2	1898
103	4	2	...	31,752	1,446	33,198	2,203	57	277	23	1899
13	...	...	...	43,468	2,304	45,772	3,298	72	3	...	1900
215	7	510	37	70,752	2,494	73,246	20,040	780	258	7	1896
258	11	638	19	81,986	3,483	85,469	22,155	939	171	13	1897
235	4	802	51	72,228	2,434	74,662	19,033	617	324	7	1898
186	13	375	32	71,452	2,476	73,928	19,436	680	167	6	1899
311	16	620	37	76,247	2,679	78,926	20,350	702	162	5	1900
468	28	13	...	85,848	6,146	91,994	13,054	762	730	53	1896
690	49	11	...	98,848	7,697	106,545	17,756	924	971	55	1897
440	26	4	...	74,765	4,379	79,144	11,344	383	801	52	1898
337	25	3	...	69,232	3,597	72,829	10,315	404	575	41	1899
456	34	...	...	76,178	4,373	80,551	13,347	481	848	63	1900
166	13	...	...	38,280	1,050	39,330	6,050	130	232	21	1896
150	22	...	...	42,143	1,042	43,185	7,403	122	199	31	1897
236	14	...	...	38,856	947	39,803	6,270	133	313	30	1898
274	22	...	...	44,045	1,144	45,189	9,978	187	300	36	1899
256	13	...	...	48,216	1,340	49,556	9,870	209	284	12	1900
371	...	...	...	36,139	949	37,088	2,840	28	448	1	1896
324	1	...	...	34,685	912	35,597	2,693	21	282	1	1897
217	2	...	...	30,352	820	31,172	1,895	15	185	2	1898
203	1	...	...	30,508	792	31,300	2,177	47	165	1	1899
175	1	...	...	30,350	780	31,130	1,965	49	153	1	1900
41	3	...	...	14,291	1,584	15,875	1,542	106	94	6	1896
58	5	...	...	19,127	1,868	20,995	1,993	145	91	10	1897
37	8	8	...	11,824	868	12,692	1,284	34	64	11	1898
30	9	5	...	9,995	807	10,802	965	29	46	16	1899
67	11	3	...	14,406	1,315	15,721	1,588	57	100	19	1900
49	...	1	...	6,177	320	6,497	960	34	19	2	1896
21	1	...	...	6,215	282	6,497	1,026	25	9	...	1897
56	3	...	...	6,450	253	6,713	1,200	36	28	1	1898
42	1	...	...	6,603	213	6,806	1,359	26	29	2	1899
25	2	...	...	5,957	231	6,188	1,004	40	22	...	1900
...	...	...	...	274	15	289	21	...	...	...	1896
...	...	...	...	263	13	276	17	2	...	...	1897
...	...	...	...	374	10	384	24	1	...	...	1898
...	...	...	...	326	16	342	14	...	...	...	1899
...	...	...	...	406	9	415	66	1	...	...	1900
8	...	...	...	3,960	245	4,205	330	7	14	1	1896
16	...	1	...	5,521	354	5,875	527	23	...	...	1897
5	...	...	1	3,801	268	4,060	264	8	...	...	1898
11	...	1	...	3,407	267	3,674	237	25	24	...	1899
16	2	2	...	5,002	356	5,358	495	38	15	1	1900
14,306	382	565	39	327,622	16,041	343,663	62,620	2,332	8,061	107	1896
18,881	474	650	20	377,684	19,720	397,404	76,726	2,702	1,839	112	1897
19,759	510	818	52	329,852	15,175	345,027	65,674	1,796	1,939	109	1898
17,358	497	391	33	322,600	14,330	336,930	64,734	1,953	1,675	137	1899
26,271	644	625	37	371,279	17,756	389,035	79,563	2,249	1,768	108	1900
											TOTAL

No. 2—continued.

NUMBER and DISPOSAL of the CONVICTS in the FAILS and SUBSIDIARY

8													
RELEASED DURING THE YEAR.													
PROVINCE AND YEAR.	A		B		C		D						Transported beyond seas.
	On appeal.		On expiry of sentence.		Under remission rules.		By order of Government.						
							(a)		(b)				
							On account of sickness.		On other grounds.				
M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		
Madras ...	1896	1,855	45	20,538	1,405	1,603	31	5	1	6	11	116	11
	1897	1,722	39	24,421	1,833	1,592	22	7	1	1,630	119	76	1
	1898	1,683	30	28,373	3,138	1,708	20	12	1	7	...	90	5
	1899	1,902	38	24,325	2,762	1,954	36	8	1	7	...	97	9
	1900	1,823	41	27,920	3,437	1,906	20	12	1	1	...	140	8
Bombay ...	1896	827	44	11,414	730	1,598	42	5	...	18	3	...	...
	1897	884	24	14,794	920	1,412	31	3	...	1,480	136	...	...
	1898	973	29	13,712	925	1,568	19	3	1	15	2	210	...
	1899	769	32	15,804	1,019	2,015	35	6	...	15	1	257	24
	1900	903	18	25,272	1,861	1,854	28	8	...	792	14	...	...
Bengal ...	1896	1,692	41	25,809	1,058	4,979	111	54	3	7	1	524	8
	1897	1,996	68	30,254	1,578	5,224	83	27	1	3,634	334	571	51
	1898	1,950	43	27,834	1,211	5,155	64	23	2	73	...	645	49
	1899	1,623	37	25,597	1,135	6,195	124	20	...	1	...	684	66
	1900	1,562	31	27,828	1,342	6,263	114	23	...	1	...	798	59
North-Western Provinces and Oudh	1896	3,694	82	26,376	3,448	9,955	365	10	...	130	46	...	...
	1897	3,357	105	27,440	4,070	9,386	198	6	1	7,413	1,108	...	...
	1898	2,926	80	19,936	2,409	10,687	281	11	1	1,247	153	...	...
	1899	2,729	82	18,891	1,854	8,957	320	10	...	4	...	...	...
	1900	3,077	90	22,114	2,446	7,897	231	13	...	8	...	...	...
Panjab ...	1896	3,386	89	13,797	444	3,443	73	1	...	...	...	...	...
	1897	3,376	77	14,048	385	3,463	51	6	1	1,709	137	...	...
	1898	3,051	67	13,432	396	3,881	40	7	...	1	...	...	...
	1899	3,344	84	13,517	457	3,968	63	6	1	...	...	...	...
	1900	3,300	98	15,165	609	3,925	77	8	...	901	1	186	8
Burma ...	1896	1,003	41	12,252	703	4,627	22	26	...	17	...	755	...
	1897	975	26	10,694	616	5,206	20	12	...	1,566	93	304	...
	1898	828	29	10,213	643	4,784	14	19	...	24	1	262	...
	1899	837	29	9,263	579	5,099	13	11	...	25	...	153	1
	1900	996	41	9,865	552	5,146	20	21	1	15	...	239	1
Central Provinces	1896	366	34	4,477	867	1,138	53	2	...	885	157	...	...
	1897	318	14	6,494	1,079	1,194	45	3	...	2,316	253	...	...
	1898	392	27	4,307	566	1,764	49	1	1	1	...	...	...
	1899	442	27	3,386	507	1,234	40	2	...	...	...	...	...
	1900	497	19	5,776	946	1,133	36	2	...	...	...	...	...
Assam ...	1896	374	6	2,853	236	337	6	25	...	...	...	...	...
	1897	340	2	2,773	210	351	3	24	1	252	11	...	...
	1898	357	5	2,974	187	359	3	20	1	10	...	...	...
	1899	662	5	2,780	144	367	6	18	1	...	3	...	...
	1900	378	7	2,720	150	355	7	24	...	9	1	...	...
Coorg ...	1896	16	...	130	11	20	4	...	...	...	...	...	...
	1897	6	...	136	8	21	...	...	...	18	2	...	...
	1898	18	...	211	7	17	...	...	...	...	...	...	...
	1899	19	1	274	10	22	1	...	...	...	...	...	...
	1900	12	...	168	8	18	...	...	...	...	...	...	...
Hyderabad Assigned Districts ...	1896	167	2	1,509	172	465	8	3	...	...	...	...	...
	1897	250	6	2,174	242	414	8	...	...	323	23	...	...
	1898	163	3	1,559	203	447	6	...	...	1	...	...	...
	1899	166	3	1,106	170	434	14	1	...	...	...	...	...
	1900	178	1	2,143	225	408	11	4	...	...	...	...	...
TOTAL	1896	13,380	384	119,155	9,074	28,165	715	131	4	1,063	208	1,395	49
	1897	13,224	361	133,228	10,041	28,353	461	87	5	20,341	2,226	953	52
	1898	12,343	322	122,551	9,685	30,370	496	94	7	1,379	156	1,307	54
	1899	12,493	338	114,843	8,646	30,245	652	82	3	52	4	1,193	101
	1900	12,726	346	138,961	11,576	28,905	550	115	2	1,727	16	1,365	76

AILS IN BRITISH INDIA in the calendar years 1896 to 1900—continued.

10		11		12		13		14		15			PROVINCE AND YEAR.	
transferred to lunatic asylums.		Escaped.		Executed.		Died.		Remained at the close of the year.		Daily average number.				
M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	Total.		
13	1	8	...	58	...	163	5	8,213	211	8,045	218	8,263	1896	Madras
10	...	13	...	52	...	425	11	8,735	217	8,428	207	8,635	1897	
11	1	12	...	55	3	253	4	8,897	210	8,806	254	9,150	1898	
10	1	8	...	51	2	142	5	8,514	208	8,568	233	8,801	1899	
10	...	11	...	59	1	283	4	11,133	250	10,175	260	10,435	1900	
8	...	9	...	39	1	231	6	7,115	200	6,889	211	7,100	1896	Bombay
11	...	3	...	32	...	288	5	7,997	207	7,573	187	7,760	1897	
4	...	10	...	38	1	189	4	8,787	219	8,366	209	8,575	1898	
6	...	4	...	44	...	232	5	10,120	250	8,928	217	9,145	1899	
6	...	4	...	53	...	552	19	10,723	292	11,501	304	11,805	1900	
10	...	4	...	21	...	452	9	16,902	446	15,489	406	15,895	1896	Bengal
13	2	7	...	15	...	578	13	17,341	392	16,975	391	17,366	1897	
8	...	6	...	35	1	386	9	16,756	431	16,784	399	17,183	1898	
14	1	7	...	53	2	387	15	17,268	410	16,856	409	17,265	1899	
16	2	8	...	49	...	715	16	18,472	409	18,016	437	18,453	1900	
5	2	3	...	117	8	863	43	30,911	1,337	29,488	1,296	30,784	1896	North-Western Provinces and Oudh
3	2	6	...	176	12	1,125	53	31,209	1,170	32,080	1,302	33,382	1897	
1	...	6	...	116	5	834	38	26,856	977	29,158	1,088	30,246	1898	
16	1	...	...	104	5	576	24	27,055	866	26,573	926	27,439	1899
10	5	2	...	88	6	607	27	28,167	1,024	27,783	984	28,767	1900	
18	2	12	...	63	2	168	8	11,120	281	10,656	284	10,940	1896	Panjab
11	...	7	...	104	4	189	5	11,628	229	11,412	236	11,648	1897	
6	...	5	...	77	3	268	8	11,545	270	11,276	248	11,524	1898	
13	1	6	2	78	1	228	3	12,607	309	11,789	291	12,080	1899	
19	2	2	...	145	5	320	10	14,091	309	13,583	328	13,911	1900	
2	75	...	246	3	13,457	151	13,890	141	14,031	1896	Burma
...	...	...	...	68	...	310	5	12,476	130	12,945	118	13,063	1897
...	...	3	...	62	...	249	3	11,822	113	12,233	127	12,360	1898	
...	...	4	...	61	...	225	...	12,513	122	12,080	125	12,205	1899	
3	...	1	...	65	1	239	2	11,642	106	12,065	122	12,187	1900	
3	1	4	...	23	...	358	26	5,399	334	4,856	340	5,196	1896	Central Provinces
3	2	2	...	32	3	904	42	5,778	275	6,481	357	6,838	1897	
1	...	3	...	16	2	165	3	3,826	175	4,572	204	4,776	1898	
1	...	2	...	20	...	87	6	3,816	182	3,629	183	3,812	1899	
...	...	7	...	30	...	335	17	4,938	221	4,890	267	5,163	1900	
1	...	14	...	9	...	72	2	1,513	34	1,355	37	1,392	1896	Assam
...	...	18	...	6	...	62	4	1,394	26	1,347	24	1,371	1897	
...	...	10	...	6	...	50	1	1,446	19	1,415	24	1,439	1898	
...	...	5	...	4	...	73	1	1,396	25	1,463	28	1,491	1899	
2	...	5	...	11	...	34	1	1,393	25	1,439	24	1,463	1900	
...	2	...	85	...	84	4	88	1896	Coorg
...	...	...	...	...	...	2	...	61	1	71	1	72	1897
...	...	...	...	...	...	8	...	96	2	77	2	79	1898
...	...	...	...	...	...	12	...	81	3	101	2	103	1899
...	...	1	...	...	...	6	...	133	...	98	1	99	1900
...	4	1	33	...	1,435	55	1,297	47	1,344	1896	Hyderabad Assigned Districts
...	...	...	...	12	2	60	2	1,761	48	1,655	42	1,697	1897
...	...	...	...	7	...	22	...	1,335	48	1,476	45	1,521	1898
...	...	1	...	2	...	17	...	1,410	46	1,203	47	1,250	1899	
...	1	2	...	4	...	145	2	1,608	77	1,686	54	1,740	1900	
61	6	54	...	400	11	2,588	102	96,540	3,049	92,049	2,984	95,033	1896	TOTAL
57	4	59	...	498	21	3,943	140	98,340	3,095	98,967	2,865	101,832	1897	
58	1	57	...	412	25	2,424	70	91,366	2,464	94,253	2,600	96,853	1898	
65	4	37	2	410	10	1,979	59	94,783	2,421	91,739	2,461	93,591	1899	
66	9	43	...	504	12	3,234	98	102,300	2,713	101,242	2,781	104,023	1900	

No. 2-A.

NATURE of the OFFENCES for which CONVICTS were imprisoned in

PROVINCE AND YEAR.	Against the State.	Relating to the Army and Navy.	Against the public tranquillity.	By others than public servants relating to public servants.	By Public servants.	Contempt of the lawful authority of public servants.	False evidence and the like, and false personation in a suit or criminal proceeding.	Causing disappearance of evidence and omitting to inform, or giving false information, regarding an offence.	Fraudulent claims, decrees, disposals of property.
Madras ... { 1896 ... 1897 ... 1898 ... 1899 ... 1900 ...	... ... ... ... ...	11 7 16	506 681 936 1,425 1,238	25 9 25 23 21	3 23 25 25 36	41 71 86 316 361	141 163 182 160 152	6 12 17 14 11	1 3 2 5 8
Bombay ... { 1896 ... 1897 ... 1898 ... 1899 ... 1900 ...	... 4 19	79 76 94 89 115	402 450 659 323 236	32 33 41 44 42	15 22 53 35 10	75 156 130 148 89	124 96 123 83 77	4 6 10 14 8	... 2 5 2 5
Bengal ... { 1896 ... 1897 ... 1898 ... 1899 ... 1900 ...	... ... ... ... ...	... ... 4 1 ...	3,928 3,434 4,299 3,713 3,623	118 140 295 122 94	177 192 214 271 250	350 405 502 530 566	337 349 355 307 320	21 17 12 26 20	16 16 33 13 5
North-Western Provinces and Oudh. { 1896 ... 1897 ... 1898 ... 1899 ... 1900 ...	... 1 4 ... ...	... ... 2 ... 2	2,337 1,890 2,416 2,492 2,327	63 110 123 146 86	97 91 47 136 144	477 538 664 550 681	573 573 662 660 458	47 107 70 59 49	30 41 19 26 70
Panjab ... { 1896 ... 1897 ... 1898 ... 1899 ... 1900 ...	... ... ... 5 15	2 9 4 3 ...	1,298 1,233 990 921 989	74 63 35 43 27	62 55 34 25 60	164 119 129 152 170	324 336 340 278 184	30 14 13 16 15	3 11 14 15 27
Burma ... { 1896 ... 1897 ... 1898 ... 1899 ... 1900 ...	8 1 7 11 16	5 ... 1	273 296 188 205 163	37 45 34 52 49	74 71 41 23 76	67 106 70 86 74	191 205 150 65 91	11 14 10 7 10	3 12 4 9 12
Central Provinces ... { 1896 ... 1897 ... 1898 ... 1899 ... 1900 ...	2 1 2	... 3 4 4 2	61 76 61 50 11	19 30 13 21 37	2 2 8 9 4	25 10 17 53 11	65 31 61 49 38	7 1 7 3 2	2 1 2 1 28
Assam ... { 1896 ... 1897 ... 1898 ... 1899 ... 1900 ...	2 3 1	... ... ... 4 ...	662 581 743 1,048 705	21 74 4 7 12	7 5 3 11 7	23 41 32 29 51	23 14 10 24 13	8 6 3 ... 14	1 1 1 1 ...
Coorg ... { 1896 ... 1897 ... 1898 ... 1899 ... 1900 ...	... ... ... ... ...	... ... ... ... ...	... ... 3 ... ...	... 1 1	1 5 1 5 3	... ... 3	1 ... 6 ... 4	... ... ... ... ...	2 1
Hyderabad Assigned Districts. { 1896 ... 1897 ... 1898 ... 1899 ... 1900 ...	(a) ... ... ... ...	... ... 3 2	45 7	1 6	... 3	15 6	11 9	... 2	1 2
Total ... { 1896 ... 1897 ... 1898 ... 1899 ... 1900 ...	12 6 30 22 35	97 95 125 104 121	9,557 8,650 10,295 10,222 9,352	389 505 571 459 374	438 466 426 540 393	1,222 1,446 1,633 1,879 2,009	1,779 1,767 1,889 1,637 1,346	134 177 142 139 131	52 87 80 73 168

The FAILS of BRITISH INDIA in the calendar years 1896 to 1900.

Making false criminal charge.	Harbouring offenders, compound-ing offences, re-sisting apprehension, and the like.	By public servants against public justice.	Interrupting public servants and personating juror or assessor.	Relating to coin (lighter offences).	Relating to coin and stamps (graver offences).	Relating to weights measures.	Affecting the public health and safety.	Nuisance.	PROVINCE AND YEAR.
18	60	25	4	20	11	4	44	...	1896
28	126	23	...	28	21	5	20	11	1897
31	143	39	...	32	21	3	13	25	1898
35	220	31	6	43	8	6	57	113	1899
74	135	44	6	47	18	12	75	146	1900
74	67	21	1	35	8	1	18	...	1896
57	110	17	1	43	9	2	50	...	1897
46	133	16	1	17	16	...	21	1	1898
54	103	19	2	46	8	...	13	1	1899
45	90	18	...	121	48	6	35	2	1900
289	215	48	22	59	26	7	61	37	1896
259	242	65	14	99	55	10	108	62	1897
302	288	62	24	61	41	8	90	105	1898
283	298	45	25	67	45	8	82	251	1899
314	225	70	22	89	50	5	77	224	1900
157	278	51	46	112	14	16	97	7	1896
127	329	83	18	170	46	104	124	4	1897
135	261	73	25	108	36	17	76	3	1898
171	338	39	22	130	13	7	88	44	1899
137	258	62	19	149	66	17	141	16	1900
64	95	19	15	60	9	3	37	5	1896
51	114	31	9	60	9	3	21	0	1897
57	116	27	12	48	9	1	19	25	1898
43	145	39	15	49	7	1	36	2	1899
45	141	26	15	86	23	3	58	2	1900
47	83	37	2	12	17	3	38	3	1896
57	110	51	6	22	25	2	39	8	1897
54	77	36	1	15	18	1	28	4	1898
68	86	45	2	18	15	1	13	3	1899
36	94	19	1	9	13	...	26	1	1900
10	23	17	3	24	2	...	28	...	1896
9	61	12	3	55	5	3	12	...	1897
12	30	8	1	12	...	...	3	2	1898
11	23	5	1	17	2	...	5	...	1899
10	56	13	3	75	17	1	22	2	1900
30	37	17	...	9	5	1	5	...	1896
32	31	7	5	12	3	5	6	2	1897
29	38	10	...	8	4	2	2	...	1898
46	45	6	...	7	3	1	7	1	1899
31	17	4	...	19	1	2	3	...	1900
1	...	...	...	1	1	...	...	...	1896
2	2	...	...	...	...	2	...	...	1897
...	3	3	...	...	...	1	...	...	1898
...	...	...	...	...	...	1	...	...	1899
2	2	...	...	4	...	1	...	...	1900
7	12	...	...	14	2	1	5	...	1896
1	11	2	...	12	3	...	5	...	1897
									1898
									1899
									1900
699	858	235	93	339	93	35	328	52	1896
622	1,125	289	56	489	173	136	380	95	1897
666	1,089	274	64	301	145	33	252	165	1898
718	1,280	229	73	391	203	26	306	415	1899
695	1,029	258	66	611	239	47	442	393	1900

(a) Nature of offences not stated in detail.

No. 2-A.—continued.

NATURE of the OFFENCES for which CONVICTS were imprisoned in

PROVINCE AND YEAR.			Obscene books and lotteries.	Relating to religion.	Murder and attempt to murder.	Culpable homicide, attempt to commit the same, and abetting suicide.	Attempt to commit suicide.	Being a thug.	Causing Miscarriage, exposing children, and concealment of birth of child.	Hurt and assault with or without provocation.	Aggravated hurt grievous hurt, and acts dangerous to human life.
Madras	...	1896	14	5	179	64	33	...	17	584	428
		1897	6	10	195	99	38	...	19	571	428
		1898	...	1	240	80	25	...	18	527	468
		1899	65	8	196	88	72	...	22	1,238	548
		1900	53	8	262	97	70	...	29	1,375	552
Bombay	...	1896	2	9	145	96	48	...	27	636	553
		1897	1	1	181	75	27	...	21	575	616
		1898	...	4	231	75	48	1	32	522	690
		1899	1	3	212	109	56	...	44	633	472
		1900	3	8	204	100	65	...	26	511	423
Bengal	...	1896	23	17	172	264	100	2	46	2,200	1,542
		1897	22	2	173	187	139	...	50	1,885	1,251
		1898	24	18	198	224	97	...	62	1,961	1,210
		1899	34	2	242	218	126	...	63	2,004	1,280
		1900	26	22	237	294	115	...	79	1,940	1,357
North-Western Provinces and Oudh.	...	1896	10	16	411	327	544	1	104	2,709	1,740
		1897	5	18	528	341	458	1	130	2,224	1,975
		1898	13	8	394	265	504	...	106	2,019	1,869
		1899	17	15	357	251	436	1	142	2,220	1,722
		1900	21	13	379	334	377	1	141	2,082	1,598
Panjab	...	1896	7	27	433	226	63	2	28	1,225	1,349
		1897	11	24	452	266	62	1	27	1,324	1,215
		1898	9	10	556	207	39	3	11	1,034	1,412
		1899	2	11	657	261	59	1	29	1,180	1,173
		1900	14	7	567	284	36	...	14	1,188	1,169
Burma	...	1896	39	21	183	72	13	4	5	483	531
		1897	29	26	146	86	25	1	2	578	590
		1898	20	27	110	78	32	...	2	556	566
		1899	31	11	172	61	23	...	9	443	696
		1900	35	10	110	60	21	1	2	515	774
Central Provinces	...	1896	1	2	85	23	50	...	10	241	343
		1897	...	1	90	32	34	...	7	180	203
		1898	...	...	53	48	43	...	17	157	251
		1899	1	1	90	36	43	...	21	175	238
		1900	...	2	115	39	48	1	25	164	147
Assam	...	1896	...	2	21	28	22	...	...	233	208
		1897	...	...	37	12	9	...	1	153	174
		1898	...	2	27	62	8	...	5	247	208
		1899	...	...	26	32	19	...	2	186	166
		1900	...	2	25	33	20	...	1	232	159
Coorg	...	1896	...	...	...	1	...	...	...	4	...
		1897	...	...	3	...	...	...	1	7	...
		1898	...	...	3	1	2	...	2	17	...
		1899	...	...	6	1	...	...	...	7	...
		1900	...	...	4	2	2	...	2	15	...
Hyderabad Assigned Districts.	...	1896	(a)		...	...	...	...	...	...	...
		1897			...	...	...	...	...	...	...
		1898			...	...	...	...	...	...	...
		1899	...	5	8	3	14	...	11	85	36
		1900	...	...	14	7	17	...	12	27	31
TOTAL	...	1896	96	99	1,629	1,101	873	9	237	8,315	6,694
		1897	74	82	1,811	1,098	792	3	258	7,497	6,461
		1898	66	70	1,812	1,040	798	4	255	7,040	6,694
		1899	151	56	1,966	1,060	848	2	343	8,186	6,331
		1900	152	72	1,917	1,250	771	3	331	8,049	6,210

the FAILS of BRITISH INDIA in the calendar years 1896 to 1900—continued.

Wrongful restraint and confinement.	Aggravated assault.	Kidnaping, abduction, and selling minors to slavery.	Unlawful compulsory labour.	Rape.	Unnatural offences.	Theft, including theft in building and by servants, and breaking open closed receptacles.	Unaggravated extortion.	Aggravated extortion.	PROVINCE AND YEAR.
66	138	46	...	9	1	5,213	29	3	1896
31	156	58	...	10	...	6,364	30	4	1897
55	149	52	...	9	...	6,461	52	2	1898
152	273	31	...	14	1	7,044	53	...	1899
104	344	36	...	5	...	9,700	82	11	1900
25	185	65	...	37	8	6,110	8	...	1896
65	163	40	...	16	11	8,444	23	...	1897
17	183	47	...	18	10	6,321	205	13	1898
21	174	49	...	22	6	7,775	26	1	1899
33	125	75	1	16	28	13,824	35	3	1900
369	526	210	2	61	8	9,303	94	17	1896
370	476	282	12	60	8	14,639	85	10	1897
332	539	197	2	57	14	9,086	90	4	1898
358	525	276	3	56	9	8,420	100	2	1899
332	584	249	3	68	11	10,796	92	23	1900
168	397	287	1	64	32	12,131	91	18	1896
94	248	431	...	54	20	14,123	75	4	1897
72	349	283	2	63	42	6,430	52	...	1898
74	374	225	7	96	56	5,501	61	2	1899
101	408	258	1	81	31	7,879	83	7	1900
123	361	165	6	18	34	4,075	24	4	1896
62	346	283	...	20	32	4,674	37	5	1897
70	440	212	4	35	19	3,752	43	2	1898
108	424	224	3	51	46	4,003	12	2	1899
57	391	252	4	45	35	5,125	31	2	1900
66	229	59	3	85	5	4,986	99	...	1896
38	274	87	2	62	3	4,379	65	1	1897
37	300	72	1	53	4	3,671	58	1	1898
35	281	80	...	85	4	4,362	95	7	1899
28	286	95	...	82	...	3,854	82	...	1900
67	100	45	2	20	2	3,518	22	4	1896
20	53	15	...	11	2	6,154	47	2	1897
23	60	10	...	24	3	1,978	43	...	1898
19	82	28	...	18	8	2,154	17	...	1899
17	104	30	1	9	6	4,642	27	4	1900
76	50	26	...	8	3	676	18	...	1896
64	65	12	...	6	6	751	17	...	1897
80	37	15	...	6	1	740	8	...	1898
59	73	10	...	7	9	579	9	...	1899
59	71	19	...	7	5	717	4	...	1900
...	...	...	...	...	...	54	...	...	1896
...	...	...	...	...	...	70	...	...	1897
1	...	...	1	...	...	103	...	1	1898
2	...	2	...	1	...	70	...	...	1899
...	...	4	...	3	...	109	...	...	1900
5	35	8	...	7	3	679	...	...	1896
3	12	7	...	6	...	1,229	19	...	1897
960	1,986	903	14	102	93	46,066	385	46	1896
744	1,781	1,208	14	239	82	59,598	379	26	1897
687	2,066	888	10	265	93	38,542	551	23	1898
823	2,241	933	13	357	142	40,596	373	14	1899

No. 2-A.—concluded.

NATURE of the OFFENCES for which CONVICTS were imprisoned in the JAILS

PROVINCE AND YEAR.		Robbery and aggravated theft.	Dakaiti.	Dishonest misappropriation.	Criminal breach of trust.	Receiving and concealing stolen property.	Cheating	Fraudulent deeds and distribution of property.	Mischief.	Simple trespass and house trespass.
Madras	1896	268	293	64	258	266	110	2	215	114
	1897	325	639	120	350	260	80	4	278	215
	1898	413	370	73	388	344	91	1	194	82
	1899	342	473	119	393	267	126	40	300	243
	1900	467	944	158	505	403	123	19	466	270
Bombay	1896	242	280	128	265	818	116	5	216	127
	1897	345	1,042	223	263	1,072	145	1	530	165
	1898	290	564	172	281	999	146	3	252	172
	1899	410	840	168	308	1,047	191	5	480	184
	1900	755	1,737	306	453	1,776	303	9	885	183
Bengal	1896	162	324	170	588	2,394	271	7	527	859
	1897	216	679	155	575	2,737	403	26	873	872
	1898	154	400	150	500	2,092	324	20	545	1,017
	1899	132	306	144	446	2,236	312	15	573	883
	1900	138	394	204	576	2,411	288	16	738	979
North-Western Provinces and Oudh.	1896	585	765	189	427	4,580	335	24	622	365
	1897	729	1,838	238	623	6,577	245	10	1,177	326
	1898	521	633	127	460	3,334	240	5	442	298
	1899	517	642	101	478	2,986	273	25	346	301
	1900	474	732	115	522	3,418	334	20	390	350
Panjab	1896	165	155	283	302	1,644	264	12	394	262
	1897	259	233	260	281	2,088	273	2	377	235
	1898	254	245	179	295	2,034	167	5	201	249
	1899	303	237	199	297	2,034	278	13	315	305
	1900	384	726	228	348	2,255	341	40	304	392
Burma	1896	342	173	118	352	647	142	5	123	153
	1897	288	210	139	348	481	202	11	115	138
	1898	252	187	76	335	447	111	4	94	150
	1899	261	110	83	424	466	172	12	147	85
	1900	231	107	100	364	476	155	6	110	107
Central Provinces	1896	173	334	41	157	241	30	5	211	95
	1897	254	577	42	179	287	44	...	711	66
	1898	96	119	24	111	129	35	4	83	46
	1899	114	126	51	99	161	51	4	87	65
	1900	149	260	63	232	236	89	5	196	55
Assam	1896	9	...	39	68	277	23	2	33	73
	1897	20	1	39	62	218	27	2	55	67
	1898	27	22	24	105	193	24	...	59	86
	1899	20	18	22	68	274	24	...	47	35
	1900	3	42	28	77	273	15	...	37	64
Coorg	1896	1	3	2	6	1	1	...	...	...
	1897	...	...	...	11	4	2	...	1	1
	1898	10	...	4	9	2	4	...	4	...
	1899	10	27	2	9	13	3	...	3	...
	1900	1	27	1	10	1	1	...	4	...
Hyderabad Districts.	1896	(a)	...	...	...	...	...	...	...	...
	1897	(a)	...	...	...	...	...	...	...	...
	1898	(a)	...	...	...	...	...	...	...	...
	1899	(a)	207	22	37	64	20	...	19	22
	1900	(a)	401	70	88	142	23	1	78	7
TOTAL	1896	1,947	2,327	1,034	2,423	10,868	1,292	62	2,341	2,048
	1897	2,436	5,219	1,210	2,692	13,694	1,421	56	4,117	2,085
	1898	2,017	2,600	829	2,493	9,674	1,142	42	1,944	2,100
	1899	2,146	3,076	911	2,559	9,548	1,450	114	2,316	2,123
	1900	2,716	5,360	1,273	3,175	11,391	1,672	116	3,268	2,413

House-breaking in order to commit offence punishable with death or imprisonment for life and causing death or grievous hurt in house-breaking.	House-breaking or house-tresspass.	Forgery and offences relating to trade and property mark.	Criminal breach of contract.	Offence relating to marriage.	Defama-tion.	Criminal intimidation, insult, and annoyance.	Bad liveli-hood and belonging to wander-ing gangs of thieves.	All other offences.	TOTAL.	PROVINCE AND T
21	1,880	67	7	72	14	27	191	2,387	14,104	1896
10	2,873	60	...	99	13	50	206	3,000	17,832	1897
95	2,666	52	10	74	10	45	246	4,641	19,508	1898
30	2,352	81	9	129	14	157	410	13,056	30,843	1899
17	3,131	85	11	123	13	165	513	15,377	37,908	1900
65	1,313	26	3	105	16	56	441	2,019	15,151	1896
102	1,802	40	1	84	7	56	492	2,042	20,705	1897
45	1,551	45	1	115	8	60	1,138	2,868	18,512	1898
102	1,694	22	12	123	13	58	1,519	3,804	21,568	1899
34	2,995	55	4	79	8	49	1,723	4,272	32,053	1900
253	2,736	87	39	131	19	86	2,729	3,694	33,240	1896
303	3,988	90	18	159	26	98	3,074	4,364	43,834	1897
227	2,619	110	17	193	15	85	3,575	3,103	35,996	1898
269	2,480	83	21	262	25	99	3,765	3,646	35,600	1899
241	2,907	142	...	245	30	71	3,958	3,783	39,324	1900
78	9,319	171	27	295	29	108	2,246	3,637	47,262	1896
164	11,458	85	9	226	30	50	3,105	3,267	55,221	1897
54	4,818	92	16	263	16	50	3,169	2,950	34,719	1898
97	4,327	73	5	271	39	83	3,636	3,300	33,978	1899
50	5,870	80	3	256	10	57	3,940	3,139	38,297	1900
81	2,774	40	10	639	24	59	2,833	1,694	22,069	1896
37	3,165	47	7	555	15	22	3,237	2,058	24,139	1897
69	2,237	46	32	509	14	69	2,716	2,268	21,410	1898
79	2,735	56	4	519	11	145	2,854	2,659	23,093	1899
289	3,311	62	20	518	24	232	3,382	2,361	26,394	1900
...	953	40	6	55	17	135	3,916	4,732	19,708	1896
18	800	36	1	59	19	145	2,856	4,558	17,956	1897
16	815	37	11	61	13	164	2,711	4,501	16,312	1898
10	924	50	15	70	15	112	2,836	4,021	16,917	1899
5	942	43	24	65	15	112	2,557	4,164	16,228	1900
320	2,342	17	2	35	10	35	111	576	9,566	1896
23	3,140	13	...	22	10	6	88	521	13,154	1897
2	1,036	17	1	22	11	10	73	511	5,290	1898
43	1,050	29	6	10	20	9	102	547	5,766	1899
13	2,256	14	8	24	11	6	132	555	10,019	1900
9	240	3	8	23	1	21	82	916	4,055	1896
...	238	6	25	20	3	13	101	733	3,761	1897
23	234	5	8	23	1	9	405	233	3,910	1898
20	200	7	13	32	7	12	98	477	3,823	1899
18	247	6	25	22	3	10	93	412	3,609	1900
7	1	...	23	...	...	1	...	43	155	1896
...	...	...	23	...	...	2	...	15	160	1897
10	19	1	22	2	...	6	...	8	264	1898
...	1	...	15	...	...	2	...	14	194	1899
...	...	...	14	...	4	2	...	23	236	1900
...	194	10	...	18	1	13	53	246	2,031	1896
5	475	15	...	5	...	2	52	411	3,345	1897
840	21,567	451	125	1,355	130	528	12,549	19,698	167,782	1896
725	27,524	377	84	1,224	128	442	13,159	21,458	200,596	1897
541	15,995	405	112	1,262	88	498	14,033	21,093	157,890	1898
679	15,957	411	100	1,440	145	690	15,273	31,770	173,813	1899
672	22,134	508	130	1,337	118	706	16,350	34,497	207,413	1900
										TOTAL

No. 3.

RELIGION, AGE, STATE of EDUCATION, and PREVIOUS OCCUPATION of the CONVICTS
1896

RELIGION.													
PROVINCE AND YEAR.													
	A						B		C		D		
	CHRISTIANS.						Muhammadans.		Hindus and Sikhs.		Buddhists and Jains.		
	Europeans.		Eurasians.		Natives.								
	a		b		c								
M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		
Madras	1896	20	...	42	5	524	52	1,894	58	21,675	1,379	10	82
	1897	9	...	75	3	539	62	2,458	72	27,105	1,873	2	243
	1898	13	...	62	4	734	98	2,625	94	28,974	2,996	8	276
	1899	10	1	39	2	541	59	2,369	88	25,031	2,701	2	127
	1900	5	...	37	2	519	69	3,088	90	30,731	3,367	...	165
Bombay	1896	108	1	13	1	224	16	5,251	171	8,632	620	47	172
	1897	74	1	16	...	241	13	5,291	115	13,895	994	20	184
	1898	101	...	24	...	270	12	5,784	148	11,296	819	14	183
	1899	105	...	14	...	267	39	6,108	158	13,825	949	27	859
	1900	142	...	22	3	288	6	6,934	201	22,589	1,772	37	872
Bengal	1896	262	1	35	1	75	9	13,825	341	19,188	884	94	1,017
	1897	237	...	30	2	83	8	14,673	467	24,628	1,406	188	883
	1898	269	1	103	4	91	6	13,846	331	18,788	955	201	979
	1899	193	1	82	3	83	6	13,223	279	19,002	885	75	365
	1900	209	3	64	4	103	6	13,744	312	21,651	1,032	130	326
North-Western Provinces and Oudh	1896	17	...	17	...	33	2	6,415	320	36,750	3,705	3	298
	1897	16	...	9	...	42	3	7,515	469	42,248	4,921	2	301
	1898	9	...	8	1	29	5	5,415	326	26,465	2,461	...	350
	1899	15	...	10	1	22	8	5,199	279	26,541	1,903	...	262
	1900	21	...	9	1	34	3	6,187	325	29,054	2,663	...	235
Panjab	1896	13	...	6	...	12	2	15,009	428	6,325	184	...	249
	1897	7	...	3	...	13	1	16,270	434	7,227	183	1	305
	1898	6	...	13	...	10	1	14,893	423	5,914	150	...	392
	1899	4	...	12	...	20	...	15,820	500	6,562	175	...	53
	1900	7	...	4	1	25	...	18,358	577	7,178	242	...	38
Burma	1896	125	...	54	...	86	1	930	24	888	...	16,299	50
	1897	102	1	21	1	77	3	817	20	968	...	14,735	85
	1898	77	...	20	...	106	5	761	21	813	13	13,322	107
	1899	65	...	24	...	54	...	790	11	994	21	13,701	95
	1900	36	...	13	...	59	2	928	16	752	21	13,259	66
Central Provinces	1896	...	...	4	...	8	...	646	68	5,405	846	30	46
	1897	1	...	...	...	7	1	620	52	7,629	948	18	65
	1898	...	...	2	...	18	4	476	38	3,211	397	8	55
	1899	...	...	4	...	12	...	470	56	3,354	374	26	73
	1900	3	...	5	...	12	3	618	58	5,360	632	7	67
Assam	1896	1	...	1	...	2	...	1,328	32	1,802	175	3	66
	1897	...	...	...	...	12	1	1,189	22	1,850	171	3	35
	1898	...	...	...	...	5	...	1,310	17	1,772	127	4	64
	1899	...	...	...	...	50	2	1,425	18	1,655	113	...	...
	1900	...	...	...	...	5	...	1,159	18	1,765	111	8	1
Coorg	1896	...	...	1	...	8	2	10	2	88	4	...	...
	1897	...	...	...	...	10	3	18	1	78	6	...	...
	1898	...	...	...	...	15	1	42	3	184	5	...	...
	1899	...	...	...	...	8	...	34	1	115	9	1	...
	1900	1	...	...	...	4	2	71	...	155	...	...	...
Hyderabad Assigned Districts.	1896	2	...	3	...	41	4	396	9	1,833	184	...	...
	1897	...	...	2	...	25	...	645	19	2,888	255	...	...
	1898	...	...	4	...	48	16	366	13	1,339	183	...	...
	1899	2	...	2	...	22	6	410	17	1,399	172	1	...
	1900	1	...	2	...	21	14	523	14	2,521	244	4	...
TOTAL	1896	548	2	176	7	1,013	88	45,803	1,453	102,586	7,792	16,486	787
	1897	446	2	156	6	1,049	95	49,496	1,667	128,516	10,776	14,969	711
	1898	475	1	236	9	1,326	148	45,518	1,414	98,736	8,106	13,557	629
	1899	394	2	187	6	1,079	120	45,848	1,407	98,478	7,302	13,830	593
	1900	425	3	156	11	1,070	105	51,610	1,611	121,756	10,086	13,445	580

ADMITTED into the JAILS and SUBSIDIARY JAILS of BRITISH INDIA in the calendar year 1900.

3											PROVINCE AND YEAR
AGE.											
E	A		B		C		D				
All other classes.	Under 16.		16 to 40.		40 to 60.		Above 60.				
M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		
...	...	294	85	19,483	1,087	4,106	303	282	20	1896	Madras
...	...	335	123	24,487	1,421	5,051	438	315	28	1897	
...	...	497	187	25,763	2,224	5,794	752	362	30	1898	
...	...	425	148	22,228	1,914	4,962	729	377	60	1899	
...	...	615	286	26,598	2,217	6,680	943	487	82	1900	
66	1	74	28	12,612	661	1,570	115	85	6	1896	Bombay
42	1	138	41	17,232	894	2,073	185	136	6	1897	
42	1	80	21	15,457	800	1,864	153	130	7	1898	
71	4	96	21	17,970	897	2,209	228	142	5	1899	
3	1	207	68	26,491	1,636	3,199	272	173	7	1900	
1,046	60	350	52	25,659	883	7,540	341	976	42	1896	Bengal
1,965	120	495	95	30,636	1,349	9,330	507	1,343	79	1897	
1,332	60	329	46	25,481	942	7,791	323	1,029	55	1898	
1,639	124	269	38	25,218	895	7,649	324	1,141	46	1899	
1,919	131	428	4	27,666	1,051	8,586	358	1,140	52	1900	
...	...	176	105	32,479	2,941	9,477	867	1,104	114	1896	North-Western vinces and Oud
...	...	288	134	37,278	4,161	10,925	999	1,340	95	1897	
...	...	208	58	24,078	2,115	6,890	579	750	41	1898	
...	...	212	54	23,770	1,681	6,975	434	730	25	1899	
...	...	292	81	26,063	2,244	8,134	628	816	39	1900	
...	...	158	5	18,148	510	2,833	87	316	12	1896	Punjab
...	...	254	9	19,671	521	3,152	85	444	3	1897	
...	...	158	10	17,463	483	2,803	75	412	6	1898	
...	...	147	23	18,583	555	3,269	88	419	9	1899	
2	...	201	16	21,286	697	3,587	102	500	5	1900	
525	3	128	21	16,006	612	2,570	156	203	12	1896	Burma
497	4	110	20	14,538	580	2,405	127	164	12	1897	
839	17	95	14	13,322	514	2,091	131	130	15	1898	
660	10	115	15	12,515	458	2,323	129	167	14	1899	
572	7	131	14	12,515	458	2,795	124	178	13	1900	
285	272	121	65	6,469	939	1,696	173	92	11	1896	Central Provinces
494	384	390	118	9,132	1,060	2,223	204	94	3	1897	
016	110	97	35	3,941	428	655	81	48	5	1898	
311	165	99	36	4,139	465	884	92	49	2	1899	
949	371	191	56	7,309	835	1,405	170	49	4	1900	
667	44	3	1	3,133	232	604	18	64	...	1896	Assam
185	28	8	2	2,977	205	524	13	30	2	1897	
532	43	8	5	3,122	169	552	13	41	...	1898	
524	33	8	...	3,047	146	543	19	59	1	1899	
505	58	7	...	2,871	146	514	18	59	3	1900	
71	3	1	...	158	9	27	2	1	...	1896	Coorg
72	3	1	...	152	13	21	...	1	...	1897	
72	...	2	...	259	9	51	...	1	...	1898	
72	4	1	...	185	10	43	4	1	...	1899	
94	2	1	...	280	4	42	2	2	...	1900	
...	...	22	5	1,877	151	350	40	26	1	1896	Hyderabad Assign- Districts
...	...	37	15	2,818	218	674	38	31	3	1897	
...	...	16	5	1,468	164	258	40	15	3	1898	
...	...	6	5	1,488	159	322	29	20	2	1899	
1	...	31	27	2,454	204	536	33	52	3	1900	
60	383	1,327	367	136,023	8,025	30,733	2,102	3,149	218	1896	TOTAL
55	559	1,986	557	158,922	10,422	36,381	2,596	3,898	231	1897	
43	231	1,490	381	130,354	7,848	28,749	2,147	2,918	162	1898	
77	340	1,378	337	120,431	7,193	29,179	2,076	3,105	164	1899	
00	550	2,104	591	153,533	9,492	35,478	2,650	3,447	213	1900	

No. 3—continued.

RELIGION, AGE, STATE of EDUCATION, and PREVIOUS OCCUPATION of the CONVICTS
1896

PROVINCE AND YEAR.		4						PREVIOUS			
		EDUCATION.									
		A		B		C		MALES.			
		Able to read and write.		Able to read only.		Illiterate.		A	B	C	D
		M.	F.	M.	F.	M.	F.	Persons employed under Government or municipal or other local authorities.	Professional persons.	Persons in service or performing personal offices.	Persons engaged in agriculture and with animals.
Madras ...	1896	2,075	11	1,007	2	21,083	1,482	552	923	3,653	13,272
	1897	2,397	5	1,082	3	26,709	2,002	617	863	4,776	16,735
	1898	2,932	16	1,041	...	28,443	3,177	682	924	4,630	19,354
	1899	2,971	5	747	...	24,274	2,846	566	534	3,330	16,746
	1900	3,297	6	955	3	30,128	3,519	673	677	4,702	20,367
Bombay ...	1896	1,813	4	225	...	12,303	806	503	334	2,730	6,642
	1897	1,788	6	279	...	17,512	1,120	671	536	3,544	9,428
	1898	1,902	6	102	2	15,527	973	644	391	3,677	8,395
	1899	1,800	5	86	...	18,531	1,146	603	477	3,590	9,717
	1900	2,207	4	49	...	27,814	1,979	777	413	4,817	13,412
Bengal ...	1896	2,424	7	1,351	3	30,750	1,308	730	1,095	4,080	20,711
	1897	2,778	26	1,166	...	37,860	2,004	716	1,732	4,414	22,325
	1898	2,847	18	1,096	5	30,687	1,343	679	1,790	3,983	22,953
	1899	2,704	16	1,041	1	30,552	1,286	620	1,386	3,515	20,865
	1900	2,821	8	1,109	5	33,890	1,491	661	1,752	3,488	20,376
North-Western Provinces and Oudh	1896	1,191	...	1,262	2	40,782	4,025	732	3,601	2,717	26,388
	1897	1,423	2	1,577	2	46,832	5,385	823	3,926	3,047	28,829
	1898	896	2	847	2	30,183	2,789	638	2,915	1,945	19,029
	1899	944	1	1,094	...	29,749	2,140	675	2,977	1,540	19,676
	1900	1,016	2	980	1	33,309	2,589	641	3,199	1,641	21,244
Panjab ...	1896	267	...	52	...	21,136	614	432	130	865	14,028
	1897	263	...	35	...	23,223	618	390	155	878	14,723
	1898	188	...	67	...	20,581	574	410	121	648	13,660
	1899	305	...	80	...	22,033	675	363	111	508	15,221
	1900	342	2	42	...	25,115	818	433	128	...	15,729
Burma ...	1896	10,709	32	1,544	17	6,654	752	752	746	497	8,383
	1897	9,345	41	1,423	9	6,449	689	653	490	568	6,662
	1898	8,598	18	1,141	3	5,899	653	588	468	861	6,620
	1899	9,339	55	1,228	12	5,721	610	610	300	934	7,362
	1900	8,938	34	1,641	19	5,040	556	467	209	1,011	7,522
Central Provinces	1896	394	1	61	...	7,923	1,187	203	32	809	3,850
	1897	319	1	65	2	11,385	1,382	235	13	811	5,768
	1898	390	...	64	1	4,287	548	189	26	406	1,962
	1899	394	1	69	...	4,708	594	182	47	403	2,140
	1900	386	4	58	...	8,510	1,061	287	112	505	3,025
Assam ...	1896	360	...	39	1	3,405	290	99	47	1,065	2,218
	1897	252	1	48	1	3,239	220	122	37	1,012	1,965
	1898	236	...	53	...	3,434	187	104	37	712	2,442
	1899	262	1	36	...	5,359	165	87	22	708	2,332
	1900	270	...	21	...	3,151	167	95	56	1,009	2,096
Coorg ...	1896	82	...	10	...	145	11	12	7	17	41
	1897	21	...	18	...	139	13	10	13	5	31
	1898	59	...	2	...	252	9	16	6	...	90
	1899	33	...	23	...	174	14	7	...	25	78
	1900	42	...	22	...	261	6	6	1	62	99
Hyderabad Assigned Districts.	1896	192	...	137	...	1,946	197	157	35	510	1,007
	1897	145	...	145	...	3,270	274	235	72	442	2,080
	1898	144	3	93	...	1,520	209	161	11	325	843
	1899	139	1	77	...	1,620	194	143	6	243	1,025
	1900	176	...	90	...	2,807	272	196	9	285	1,917
TOTAL	1896	10,457	35	5,688	25	146,127	10,532	4,149	6,030	16,043	96,454
	1897	18,731	82	5,838	17	176,618	13,787	4,472	7,857	16,492	109,174
	1898	18,192	63	4,506	13	140,813	10,462	4,111	6,089	16,267	93,800
	1899	18,891	85	4,181	13	140,721	9,672	3,916	5,380	14,796	94,733
	1900	19,495	60	4,967	28	170,100	12,858	4,236	6,558	17,365	108,430

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6

MALES.			FEMALES.				TOTAL.			PROVINCE AND YEAR.	
E	F	G	H	I	J	K					
Persons engaged in commerce and trade.	Persons employed in mechanical arts, manufactures, and engineering operations, etc.	Miscellaneous persons not classed otherwise.	Married.	Un-married.	Widows.	Prostitutes.	M.	F.	Total.		
1,513	1,378	2,874	960	139	342	54	24,165	1,495	25,660	1896	Madras
1,870	1,791	3,536	1,195	194	558	63	30,188	2,010	32,198	1897	
2,200	1,892	2,734	2,012	333	757	91	32,416	3,193	35,609	1898	
2,210	1,810	2,796	2,776	257	749	69	27,992	2,851	30,843	1899	
2,363	1,850	3,748	2,121	423	934	50	34,370	3,528	37,908	1900	
1,145	1,200	1,787	514	30	227	39	14,341	810	15,151	1896	Bombay
1,104	1,398	2,878	785	32	265	44	19,519	1,126	20,645	1897	
918	1,359	2,147	600	20	313	39	17,531	981	18,512	1898	
888	2,702	2,440	721	47	339	44	20,417	1,151	21,568	1899	
1,588	6,027	3,036	1,231	100	551	101	30,070	1,983	32,053	1900	
1,312	445	6,538	554	27	608	129	34,525	1,318	35,843	1896	Bengal
1,403	612	9,974	953	82	872	143	44,804	2,030	46,834	1897	
1,214	460	6,530	536	58	636	136	34,630	1,366	35,996	1898	
1,122	596	6,622	501	31	620	151	34,297	1,303	35,600	1899	
1,202	649	8,049	605	58	672	169	37,820	1,504	39,324	1900	
387	24	9,386	2,605	134	1,242	46	43,235	4,027	47,262	1896	North-Western Provinces and C
392	20	12,789	3,458	180	1,674	77	49,832	5,379	55,211	1897	
189	10	7,200	1,688	67	942	92	31,026	2,763	34,719	1898	
204	5	6,710	1,378	69	652	92	31,787	2,191	33,978	1899	
215	1	8,364	1,903	75	925	89	35,305	2,992	38,297	1900	
1,019	732	4,249	446	27	126	15	21,455	611	22,066	1896	Panjab
1,256	944	5,177	425	38	144	11	23,521	618	24,139	1897	
1,093	619	4,285	416	22	111	25	10,836	574	11,410	1898	
880	702	4,513	472	29	133	41	22,418	675	23,093	1899	
61	769	5,609	580	42	160	38	25,574	820	26,394	1900	
2,483	324	5,745	658	63	65	15	18,907	801	19,708	1896	Burma
1,090	429	6,430	600	62	63	14	17,217	739	17,956	1897	
4,742	386	4,073	506	46	93	29	15,638	674	16,312	1898	
1,772	502	4,208	489	63	69	8	16,288	629	16,917	1899	
1,932	466	4,012	404	50	89	6	15,619	609	16,228	1900	
291	808	2,385	749	49	377	13	8,378	1,188	9,566	1896	Central Provinces
708	815	3,419	77	94	493	21	11,769	1,365	13,134	1897	
251	438	1,469	287	41	210	11	4,741	549	5,290	1898	
298	341	1,760	375	41	170	9	5,171	595	5,766	1899	
236	454	4,335	002	74	358	31	8,954	1,005	10,019	1900	
62	10	393	178	18	53	2	(a)3,804	(a)251	(a)4,055	1896	Assam
53	25	345	174	7	35	6	(a)3,539	(a)222	(a)3,761	1897	
80	12	336	51	5	30	1	(a)3,723	(a)187	(a)3,910	1898	
76	46	386	120	9	33	4	(a)3,657	(a)166	(a)3,823	1899	
55	7	124	124	4	32	7	(a)3,442	167	(a)3,609	1900	
13	1	96	7	...	3	1	187	11	(b)198	1896	Coorg
6	...	113	7	...	6	...	178	13	(b)191	1897	
20	...	181	5	...	4	...	313	9	(b)322	1898	
16	10	94	12	...	2	...	230	14	(b)244	1899	
32	7	118	1	1	4	...	325	6	(b)331	1900	
177	135	254	109	8	65	15	2,275	197	2,472	1896	Hyderabad Assig Districts
246	142	343	107	13	59	5	3,560	274	3,834	1897	
166	91	160	139	16	46	11	1,757	212	1,969	1898	
154	111	154	127	11	43	14	1,836	195	2,031	1899	
176	95	395	168	18	64	22	3,073	272	3,345	1900	
8,402	5,057	33,617	6,780	405	3,108	329	171,272	10,712	181,984	1896	TOTAL
9,028	6,180	44,984	8,571	702	4,140	384	201,187	13,806	214,993	1897	
7,873	5,267	30,024	6,340	617	3,142	439	163,511	10,536	174,047	1898	
7,620	6,885	30,283	5,971	557	2,810	432	164,093	9,770	173,863	1899	
8,860	10,325	27,790	7,799	845	3,789	513	194,562	12,946	207,508	1900	

CONVICTS admitted into the JAILS AND SUBSIDIARY JAILS of BRITISH INDIA in the
to the NATURE and LENGTH

PROVINCE AND YEAR.		NUMBER ACCORDING TO												
		A		B		C		D		E		F		
		Not exceeding one month.		Above one month and not exceeding three months.		Above three months and not exceeding six months.		Above six months and not exceeding one year.		Above one year and not exceeding two years.		Above two years and not exceeding five years.		
		M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
Madras	Admitted ...	1896	12,984	1,058	4,702	269	3,745	118	1,303	29	633	10	442	5
		1897	15,979	1,521	6,142	294	4,456	125	1,646	31	899	20	604	5
		1898	17,872	2,655	6,426	341	4,600	125	1,527	37	915	12	638	8
		1899	14,915	2,390	5,439	276	4,254	130	1,577	23	795	11	565	3
		1900	17,150	2,967	7,133	371	5,160	136	2,205	28	1,059	13	906	4
	Remaining on the 31st December.	1896	401	32	709	18	1,064	30	1,534	54	1,149	24	1,756	16
		1897	373	20	883	30	1,307	56	1,879	54	1,242	19	1,475	10
		1898	276	21	1,098	39	1,659	52	1,179	29	1,314	20	1,727	17
		1899	265	23	994	49	1,498	47	1,287	23	1,209	22	1,757	16
		1900	499	48	1,286	55	1,960	57	2,117	23	1,431	18	2,107	17
Bombay	Admitted ...	1896	5,383	488	3,144	158	2,657	89	1,562	34	715	20	522	5
		1897	7,789	737	4,004	208	3,466	104	1,948	34	998	19	789	8
		1898	6,106	599	3,334	198	3,270	98	2,420	40	1,075	13	776	12
		1899	8,164	766	4,309	194	3,268	97	2,599	46	883	17	671	13
		1900	11,437	1,446	7,456	307	5,201	127	3,159	47	1,168	25	1,095	15
	Remaining on the 31st December	1896	335	29	702	27	973	28	1,049	25	1,196	26	1,213	19
		1897	263	37	647	33	1,232	40	1,375	19	1,266	22	1,513	16
		1898	224	29	550	24	1,188	34	1,803	31	1,338	14	1,808	24
		1899	464	35	1,012	44	1,490	44	1,996	31	1,266	18	1,968	31
		1900	250	39	826	47	1,731	51	2,036	32	1,583	24	2,336	52
Bengal	Admitted ...	1896	11,149	593	7,734	298	6,134	225	5,382	104	2,203	54	1,180	26
		1897	14,515	1,088	9,239	457	7,070	251	6,198	121	2,743	63	1,318	27
		1898	11,540	652	7,442	313	5,635	187	5,538	90	2,456	61	1,270	31
		1899	11,258	626	7,784	319	5,140	165	5,838	76	2,165	58	1,316	32
		1900	12,400	803	8,351	298	5,779	224	6,565	96	2,659	41	1,145	18
	Remaining on the 31st December	1896	632	42	1,380	49	2,341	95	3,757	79	3,003	78	3,140	55
		1897	649	29	1,393	65	2,738	109	4,333	68	2,972	50	2,714	40
		1898	584	26	1,173	57	2,026	93	4,207	75	2,931	82	2,918	53
		1899	638	21	1,503	41	2,014	90	4,319	60	2,631	87	3,106	68
		1900	532	32	1,404	51	2,366	75	4,782	77	2,912	62	3,122	74
North-Western Provinces and Oudh	Admitted ...	1896	9,592	1,742	6,793	1,035	7,912	667	9,187	301	6,280	172	2,093	55
		1897	9,091	2,432	7,830	1,395	8,644	729	11,230	405	7,103	245	2,759	88
		1898	6,205	1,206	5,036	708	5,558	375	7,502	236	4,611	162	1,655	51
		1899	6,167	953	5,057	527	5,208	334	7,871	102	4,401	121	1,853	42
		1900	7,230	1,365	5,702	738	5,870	395	8,536	256	4,810	124	1,648	49
	Remaining on the 31st December	1896	598	92	1,392	210	3,823	264	7,114	240	7,486	190	4,950	172
		1897	372	62	836	166	3,040	267	7,696	246	8,404	173	5,090	129
		1898	383	49	913	104	2,169	127	6,052	184	6,519	230	5,070	157
		1899	411	43	1,085	88	2,328	131	6,308	125	6,339	174	4,661	196
		1900	656	54	1,178	105	2,585	170	6,638	190	6,613	213	4,550	153
Panjab	Admitted ...	1896	4,710	197	3,727	140	4,262	112	5,014	92	2,039	20	1,124	21
		1897	5,099	205	3,750	164	4,798	94	5,641	75	2,309	35	1,268	10
		1898	4,718	181	3,342	109	3,857	110	4,998	94	2,074	26	996	24
		1899	4,939	226	3,515	97	4,193	115	5,438	145	2,229	39	1,217	21
		1900	5,731	305	3,834	154	4,595	113	6,143	154	2,634	45	1,465	16
	Remaining on the 31st December	1896	353	12	748	21	1,368	36	2,348	39	2,427	32	2,072	66
		1897	363	15	608	22	1,537	33	2,369	16	2,511	25	2,499	44
		1898	402	9	693	21	1,223	35	2,339	54	2,322	27	2,347	55
		1899	430	13	738	19	1,391	44	2,227	57	2,397	32	2,589	67
		1900	510	10	683	21	1,370	40	2,791	57	2,769	53	2,725	48
Burma	Admitted ...	1896	3,339	454	2,872	223	4,881	81	3,314	30	2,637	10	1,201	1
		1897	3,408	422	2,579	180	4,020	90	2,989	25	2,514	10	1,090	8
		1898	3,051	357	1,427	179	3,110	90	3,353	28	2,261	10	917	6
		1899	2,986	341	2,483	171	2,917	78	3,820	21	2,475	8	1,095	4
		1900	3,232	315	2,758	182	2,840	62	3,444	35	2,083	9	800	3
	Remaining on the 31st December	1896	141	15	30	38	1,842	36	2,431	23	3,829	16	2,970	16
		1897	104	22	409	30	1,518	42	2,127	11	3,540	8	1,964	11
		1898	113	8	370	20	1,040	41	2,334	17	3,234	7	3,032	21
		1899	142	12	575	28	1,157	27	2,610	17	3,434	20	2,932	14
		1900	...	...	...	...	...	...	...	...	...	...	...	...

Madras years 1896 to 1900 and THOSE REMAINING on the 31st DECEMBER of those years, according to SENTENCES.

TERM OF SENTENCE.													PROVINCE AND YEAR.		
G		H		I				J		TOTAL.					
Over five years and exceeding ten years.		Exceeding ten years.		SENTENCED TO TRANSPORTATION BEYOND SEAS.				Sentenced to death.							
				A		B									
				For life.		For a term.									
M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	Total.					
5	1	9	...	85	5	70	...	24,158	1,495	(a)25,653	1896	Admitted ...	Madras
9	3	12	...	117	10	...	...	68	1	30,182	2,010	(a)32,192	1897
8	3	1	...	120	5	5	...	94	7	32,416	3,193	(a)35,609	1898		
5	1	9	...	101	9	15	3	67	5	27,992	2,851	(a)30,843	1899		
5	1	81	...	192	8	99	...	88	...	34,380	3,528	(a)37,908	1900		
6	28	59	...	321	9	301	...	7	...	8,207	211	(a) 8,418	1896	Remaining on the 31st December.	Madras
5	15	93	...	292	13	130	...	9	...	8,728	217	(a) 8,945	1897		
9	15	71	3	300	13	82	1	20	...	8,885	210	(a) 9,095	1898		
4	14	57	...	301	10	59	1	9	2	8,500	207	(a) 8,707	1899		
4	18	114	1	304	11	41	1	17	...	11,120	249	(a)11,369	1900		
5	4	7	...	104	11	49	...	43	1	14,341	810	15,151	1896	Admitted ...	Bombay
2	4	23	...	132	9	85	...	63	3	19,579	1,126	20,705	1897		
5	5	31	...	123	13	41	...	70	3	17,531	981	18,512	1898		
7	1	18	...	137	17	71	...	60	...	20,417	1,151	21,568	1899		
4	5	17	...	101	9	72	...	70	2	30,070	1,983	32,053	1900		
2	17	91	...	436	23	356	6	2	...	7,115	200	7,315	1896	Remaining on the 31st December.	Bombay
5	13	109	2	456	24	246	1	15	...	7,997	207	8,204	1897		
0	14	143	4	403	42	269	3	21	...	8,787	219	9,006	1898		
6	15	145	2	276	28	267	2	10	...	10,120	250	10,370	1899		
7	19	158	...	324	27	294	...	8	1	10,723	292	11,015	1900		
5	4	7	...	139	12	51	1	41	1	34,515	1,318	35,843	1896	Admitted ...	Bengal
9	5	14	...	133	15	67	2	48	1	41,804	2,030	43,834	1897		
6	7	7	...	141	20	85	2	60	3	34,630	1,366	35,996	1898		
8	3	7	...	158	19	70	...	73	3	34,297	1,303	35,600	1899		
6	4	15	...	193	17	142	1	65	2	37,820	1,504	39,324	1900		
3	28	105	...	372	18	233	2	6	...	16,902	446	17,348	1896	Remaining on the 31st December.	Bengal
3	18	166	2	307	10	151	1	5	...	17,341	392	17,733	1897		
1	12	304	9	418	22	230	1	14	1	16,756	431	17,187	1898		
0	26	232	...	359	14	219	3	7	...	17,268	410	17,678	1899		
6	28	137	...	364	9	201	1	3	...	18,472	409	18,881	1900		
6	17	53	...	343	25	25	1	181	12	43,235	4,027	47,262	1896	Admitted ...	North-Western Provinces and Oudh
8	24	53	2	619	53	20	...	225	16	49,832	5,389	55,221	1897		
6	22	36	...	356	25	14	...	147	6	31,926	2,793	34,719	1898		
2	10	30	...	271	36	50	1	137	5	31,787	2,191	33,978	1899		
1	10	31	...	327	33	162	3	168	10	35,305	2,992	38,297	1900		
5	98	423	5	1,102	50	449	14	40	2	30,911	1,337	32,248	1896	Remaining on the 31st December.	North-Western Provinces and Oudh
8	75	448	7	1,134	37	273	6	38	2	31,209	1,170	32,379	1897		
3	64	670	28	933	25	339	8	25	1	26,856	977	27,833	1898		
0	65	661	4	1,179	34	126	6	28	...	27,055	866	27,921	1899		
8	80	766	8	1,173	29	230	14	70	2	28,167	1,024	29,191	1900		
0	3	10	...	119	14	41	...	101	6	21,455	614	22,069	1896	Admitted ...	Panjab
2	11	8	...	113	18	26	1	137	5	23,521	618	24,139	1897		
2	8	30	1	191	16	42	1	126	4	20,836	574	21,410	1898		
2	9	42	...	170	19	70	...	113	4	22,418	675	23,093	1899		
1	6	25	1	256	17	54	1	206	8	25,574	820	26,394	1900		
1	30	129	...	286	28	135	13	33	4	11,120	281	11,401	1896	Remaining on the 31st December.	Panjab
2	33	137	...	301	30	121	7	26	1	11,628	229	11,857	1897		
8	35	184	2	306	24	132	7	39	1	11,545	270	11,815	1898		
6	42	264	2	353	28	179	5	43	...	12,607	309	12,916	1899		
4	38	265	3	428	33	147	4	59	2	14,091	309	14,400	1900		
3	...	9	...	95	1	186	...	100	1	18,907	801	19,708	1896	Admitted.	Burma
5	...	4	...	97	1	247	3	94	...	17,217	739	17,956	1897		
5	1	12	...	82	...	203	3	67	...	15,638	674	16,312	1898		
9	2	6	...	82	...	144	...	91	4	16,288	629	16,917	1899		
8	...	12	...	57	1	150	2	85	...	15,619	609	16,228	1900		
0	4	102	...	388	2	843	1	9	...	13,847	151	13,998	1896	Remaining on the 31st December.	Burma
0	2	100	...	334	1	650	3	20	...	12,476	130	12,606	1897		
9	3	78	...	329	1	546	5	7	...	11,822	113	11,935	1898		
5	4	55	...	321	2	467	7	15	1	12,513	122	12,635	1899		
7	...	...	...	206	...	704	7	16	...	11,642	106	11,748	1900

No. 4—continued.

CONVICTS admitted into the JAILS and SUBSIDIARY JAILS of BRITISH INDIA in the
to the NATURE and LENGTH

PROVINCE AND YEAR.		NUMBERS ACCORDING TO												
		A		B		C		D		E		F		
		Not exceeding one month.		Above one month and not exceeding three months.		Above three months and not exceeding six months.		Above six months and not exceeding one year.		Above one year and not exceeding two years.		Above two years and not exceeding five years.		
		M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
Central Provinces	Admitted ...	1896	1,156	378	1,881	430	2,595	258	1,449	72	681	32	426	9
		1897	1,191	448	2,612	505	3,926	294	2,201	88	1,091	29	510	10
		1898	714	190	980	184	1,517	98	761	37	419	24	228	8
		1899	943	223	1,260	199	1,364	98	778	37	460	12	197	9
		1900	1,198	425	2,010	384	2,907	168	1,543	43	746	20	343	10
Central Provinces	Remaining on the 31st December.	1896	104	31	347	54	1,080	103	1,117	44	991	38	874	22
		1897	21	11	245	45	1,236	83	1,283	53	1,203	37	930	19
		1898	36	14	178	27	685	35	661	28	733	26	748	23
		1899	102	13	451	49	637	35	578	26	527	19	790	17
		1900	60	9	335	40	938	69	1,129	30	990	29	610	21
Assam	Admitted ...	1896	1,573	192	895	31	568	16	415	19	212	...	92	1
		1897	1,249	176	1,071	21	543	17	375	5	158	1	92	...
		1898	1,262	141	1,109	25	588	10	372	7	195	2	109	...
		1899	1,189	112	1,068	25	586	17	433	7	214	2	110	1
		1900	1,157	113	1,102	28	552	12	304	6	161	5	93	2
Assam	Remaining on the 31st December.	1896	110	6	198	3	243	9	333	8	241	3	231	2
		1897	75	3	215	6	257	12	223	3	290	...	192	...
		1898	74	1	190	1	238	5	250	5	223	3	312	...
		1899	65	4	170	3	189	6	210	4	277	4	273	1
		1900	66	1	143	5	233	7	188	5	258	2	285	3
Coorg	Admitted ...	1896	74	9	65	1	30	...	7	1	5	...	5	...
		1897	72	7	59	4	26	1	11	...	5	1	2	...
		1898	118	4	92	5	58	...	16	...	19	...	7	...
		1899	66	6	68	5	43	1	9	1	13	...	28	...
		1900	96	4	108	...	67	2	16	...	13	...	19	...
Coorg	Remaining on the 31st December.	1896	14	...	9	...	8	...	7	...	6	...	33	...
		1897	4	...	12	...	12	...	7	...	7	1	13	...
		1898	8	...	19	1	24	...	12	...	19	1	11	...
		1899	1	...	9	2	10	...	2	1	23	...	34	...
		1900	3	...	25	...	24	...	12	...	17	...	46	...
Hyderabad Assigned Districts.	Admitted ...	1896	811	128	356	33	373	24	316	5	193	3	155	3
		1897	1,140	181	649	48	736	21	420	9	268	8	246	2
		1898	656	159	305	22	319	14	237	6	110	2	71	5
		1899	585	127	343	37	362	14	246	9	141	4	107	2
		1900	932	168	593	59	580	22	447	10	270	7	183	4
Hyderabad Assigned Districts.	Remaining on the 31st December.	1896	33	15	80	6	203	9	243	5	298	5	288	12
		1897	30	6	90	6	332	10	328	7	323	7	401	8
		1898	20	5	50	3	138	7	181	6	271	8	395	11
		1899	40	2	128	9	178	4	198	9	214	4	384	10
		1900	34	10	89	24	228	11	353	7	320	7	331	7
TOTAL	Admitted ...	1896	50,780	5,239	32,169	2,618	33,157	1,590	27,949	678	15,688	330	7,240	126
		1897	60,433	7,217	37,935	3,276	37,685	1,726	32,650	793	18,148	431	8,678	158
		1898	52,242	6,144	30,493	2,084	28,512	1,107	26,724	575	14,135	312	6,667	147
		1899	51,212	5,770	31,326	1,850	27,365	1,049	28,009	527	13,776	272	7,159	128
		1900	60,563	7,911	39,047	2,521	33,551	1,261	32,362	675	15,003	289	7,699	121
TOTAL	Remaining on the 31st December.	1896	2,721	274	5,957	426	12,954	611	19,032	517	20,586	412	17,327	380
		1897	2,254	205	5,338	403	13,009	652	21,620	480	21,758	342	17,791	277
		1898	2,120	162	5,240	297	10,390	420	19,018	429	18,904	418	18,368	357
		1899	2,558	166	6,665	332	10,892	428	19,741	353	18,317	370	18,494	420
		1900	2,744	214	6,399	370	12,426	499	22,428	451	20,233	418	18,944	384

calendar years 1896 to 1900 and THOSE REMAINING on the 31st DECEMBER of those years, according to SENTENCES—continued.

LENGTH OF SENTENCE.													PROVINCE AND YEAR.		
G		H		I				J		TOTAL.					
Above five years and not exceeding ten years.		Exceeding ten years.		SENTENCED TO TRANSPORTATION BEYOND SEAS.				Sentenced to death.							
				A		B									
				For life.		For a term.									
M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	Total.			
111	3.	6	...	39	4	4	1	30	1	8,378	1,188	9,566	1896	Admitted ...	Central Province
146	2	2	...	51	5	1	...	38	4	11,769	1,385	13,154	1897		
80	1	1	...	24	4	1	...	16	3	4,741	549	5,290	1898		
73	5	2	...	26	9	3	1	25	2	5,171	595	5,766	1899		
107	3	1	...	57	11	2	...	40	1	8,954	1,065	10,019	1900		
564	25	60	4	252	9	28	3	4	1	5,399	334	5,733	1896	Remaining on the 31st December.	
535	17	107	3	103	4	20	2	5	1	5,778	275	6,053	1897		
502	13	100	4	78	2	14	1	1	2	3,826	115	4,001	1898		
450	13	180	6	75	3	2	...	3	1	3,810	182	3,992	1899		
517	14	234	4	89	5	2	...	4	...	4,938	221	5,159	1900		
20	...	1	...	8	1	11	...	(a) 3,804	(a) 251	(a) 4,055	1896	Admitted ...	Assam
27	...	...	...	7	2	4	...	13	...	(a) 3,519	(a) 222	(a) 3,761	1897
62	...	1	...	17	2	...	...	8	...	(a) 3,723	(a) 187	(a) 3,910	1898
34	...	...	...	17	2	...	...	6	...	(a) 3,657	(a) 166	(a) 3,823	1899
35	...	2	...	24	1	...	...	12	...	(a) 3,442	167	(a) 3,609	1900
145	2	21	...	18	1	3	...	1,513	34	1,547	1896	Remaining on the 31st December.	
65	1	3	...	10	1	13	...	2	...	1,354	26	1,380	1897		
113	...	16	1	13	3	10	...	1	...	1,446	19	1,465	1898		
173	1	0	...	12	2	11	...	1	...	1,390	25	1,421	1899		
185	1	12	...	17	1	5	...	1	...	1,493	25	1,418	1900		
...	1	187	11	(b) 198	1896	Admitted ...	Coorg
1	...	...	...	2	...	...	...	...	...	178	13	(b) 191	1897
1	...	...	...	2	...	...	...	...	...	313	9	(b) 322	1898
...	...	...	...	1	1	...	...	2	...	230	14	(b) 244	1899
2	...	...	...	3	...	1	...	...	...	325	6	(b) 331	1900
6	...	1	1	85	...	85	1896	Remaining on the 31st December.	
5	...	1	...	...	...	...	...	...	...	61	1	62	1897
3	...	1	...	1	...	...	...	...	...	98	2	100	1898
1	...	1	...	...	...	...	...	...	...	81	3	84	1899
4	...	1	...	...	...	1	...	...	...	133	...	133	1900
51	...	1	...	11	1	8	...	2,275	197	2,472	1896	Admitted ...	Hyderabad Districts
60	1	7	...	16	1	...	...	18	3	3,500	274	3,834	1897
50	1	...	...	0	3	...	...	3	...	1,757	212	1,969	1898
43	...	...	...	2	1	2	...	5	...	1,840	195	2,031	1899
41	...	1	...	5	2	16	...	5	...	3,073	272	3,345	1900		
234	3	28	...	13	...	11	...	4	...	1,435	55	1,490	1896	Remaining on the 31st December.	
178	3	25	...	35	1	11	...	8	...	1,761	48	1,809	1897		
205	5	27	...	37	3	11	...	...	...	1,353	48	1,383	1898
212	5	41	...	15	3	8	...	1	...	1,419	40	1,465	1899		
205	8	20	...	14	3	13	...	1	...	1,608	77	1,685	1900		
282	31	112	...	043	74	357	3	588	22	171,265	10,712	181,977	1896	Admitted ...	TOTAL
679	50	123	2	1,287	114	450	6	704	33	201,181	13,806	214,987	1897		
575	48	119	1	1,062	88	391	6	591	26	163,511	10,538	174,049	1898		
553	31	114	...	075	113	425	7	579	23	164,093	9,770	172,863	1899		
600	38	185	1	1,215	69	608	7	739	23	194,502	12,946	207,508	1900		
376	235	1,028	9	3,488	140	2,357	30	108	7	96,534	3,040	99,583	1896	Remaining on the 31st December.	
326	177	1,213	14	2,081	121	1,515	20	128	4	68,333	2,605	70,938	1897		
253	101	1,084	51	2,818	135	1,633	26	128	5	91,356	2,464	93,820	1898		
205	185	1,051	14	2,801	124	1,338	24	117	4	64,760	2,429	67,189	1899		
181	209	1,803	16	3,000	110	1,541	27	179	5	102,287	2,712	104,999	1900		

(1) These figures represent direct admissions only and do not agree with the figures entered in column 3 of Table No. 2.
(2) Inclusive of figures entered in column 5 of Table No. 2.

CONVICTS admitted into the *FAILS* and *SUBSIDIARY FAILS* of *BRITISH INDIA*

1		2			3								
PROVINCE AND YEAR.		NUMBER ADMITTED DURING THE YEAR.			NUMBER PREVIOUSLY CONVICTED.								
					A		B		C		D		
					Once.		Twice.		More than twice.		Total.		
		M.	F.	Total.	M.	F.	M.	F.	M.	F.	M.	F.	Total.
Madras	1896	24,165	1,495	25,660	2,052	74	440	11	399	13	2,891	98	2,989
	1897	30,188	2,010	32,198	2,668	68	582	9	550	14	4,106	91	4,197
	1898	32,424	3,193	35,617	3,154	100	636	14	568	30	4,358	144	4,502
	1899	27,990	2,853	30,843	2,874	76	542	8	486	23	3,902	107	4,009
	1900	34,385	3,528	37,913	3,465	56	689	11	618	24	4,772	91	4,863
Bombay	1896	14,341	810	15,151	1,193	48	441	12	658	17	2,297	77	2,374
	1897	19,579	1,126	20,705	1,511	35	435	13	518	10	2,404	58	2,522
	1898	17,531	981	18,512	1,668	33	454	9	555	6	2,677	48	2,725
	1899	20,417	1,151	21,568	1,792	23	499	5	543	3	2,834	31	2,865
	1900	30,070	1,983	32,053	2,511	59	657	12	456	6	3,824	77	3,901
Bengal	1896	34,525	1,318	35,843	3,009	54	797	15	548	13	4,354	82	4,436
	1897	41,804	2,030	43,834	3,505	93	975	20	640	14	5,120	127	5,247
	1898	34,630	1,366	35,996	2,912	57	820	13	538	14	4,260	84	4,344
	1899	34,297	1,303	35,600	2,830	48	962	12	717	10	4,509	70	4,579
	1900	37,820	1,504	39,324	3,379	79	1,085	22	747	12	5,211	113	5,324
North-Western Provinces and Judh	1896	43,235	4,027	47,262	3,365	216	1,165	55	803	33	5,333	304	5,631
	1897	49,832	5,319	55,221	4,388	287	1,738	93	1,010	36	7,136	416	7,552
	1898	31,926	2,793	34,719	2,295	153	961	56	677	37	3,933	246	4,179
	1899	31,787	2,191	33,978	1,976	87	889	23	716	24	3,591	134	3,725
	1900	35,305	2,992	38,297	2,551	168	1,225	51	883	27	4,659	246	4,905
Punjab	1896	21,455	614	22,069	1,679	17	504	8	572	4	2,845	29	2,874
	1897	23,521	618	24,139	2,008	19	633	6	732	3	3,428	28	3,456
	1898	20,836	574	21,410	1,687	11	608	5	512	2	2,807	18	2,825
	1899	22,418	675	23,093	1,744	10	616	4	501	7	2,951	21	2,972
	1900	25,574	820	26,394	2,279	10	758	3	625	1	3,662	14	3,676
Siam	1896	18,907	801	19,708	2,913	38	841	7	574	2	4,328	47	4,375
	1897	17,217	739	17,956	2,747	37	750	9	540	3	4,067	49	4,116
	1898	16,638	674	16,312	2,631	37	781	13	518	7	3,940	57	3,997
	1899	16,288	629	16,917	2,501	22	704	6	566	6	3,861	34	3,895
	1900	15,619	609	16,228	1,966	30	786	8	624	5	3,376	43	3,419
Central Provinces	1896	8,378	1,188	9,566	1,299	75	401	14	245	9	1,945	98	2,043
	1897	11,769	1,385	13,154	1,839	85	628	24	308	15	2,775	124	2,899
	1898	4,741	549	5,290	596	38	260	17	223	9	1,079	64	1,143
	1899	5,171	595	5,766	640	27	268	14	231	21	1,148	62	1,210
	1900	8,954	1,005	10,019	1,352	61	513	13	423	17	2,288	91	2,379
Assam	1896	(a) 3,804	(a) 251	(a) 4,055	272	9	62	1	26	...	360	10	370
	1897	(a) 3,539	(a) 222	(a) 3,761	220	7	32	1	14	4	266	12	278
	1898	(a) 3,723	(a) 187	(a) 3,910	208	10	52	...	22	...	282	10	292
	1899	(a) 3,657	(a) 166	(a) 3,823	254	10	52	...	30	...	336	10	346
	1900	(a) 3,442	167	(a) 3,609	224	4	42	2	38	...	304	6	310
Burma	1896	187	11	(b) 198	8	...	2	1	2	...	12	1	13
	1897	178	13	(b) 191	18	1	5	...	1	...	24	1	25
	1898	313	9	(b) 322	21	...	2	...	4	...	27	...	27
	1899	230	14	(b) 244	16	...	4	...	1	...	21	...	21
	1900	325	6	(b) 331	16	...	5	...	1	...	22	...	22
Madrassah Signed Districts	1896	2,275	107	2,472	104	5	60	...	38	...	203	5	207
	1897	3,560	271	3,834	203	...	96	...	66	1	385	1	386
	1898	1,717	212	1,969	137	6	44	1	49	1	230	8	238
	1899	1,000	105	2,031	163	6	72	1	46	1	281	8	289
	1900	3,000	272	3,345	323	17	120	2	104	3	547	22	569
TOTAL	1896	171,272	10,712	181,984	15,899	556	4,803	124	3,865	91	24,567	751	25,318
	1897	201,187	13,806	214,993	19,427	632	5,059	175	4,385	100	29,771	907	30,678
	1898	163,519	10,538	174,057	15,299	445	4,618	128	3,676	106	23,593	679	24,272
	1899	164,100	9,772	173,872	14,799	300	4,608	73	3,937	95	23,434	477	23,911
	1900	194,567	12,946	207,513	18,066	484	5,880	124	4,719	95	28,665	703	29,368

(a) These figures represent direct admissions only and do not agree with the figures entered in column 3 of Table No. 2

(b) Inclusive of figures entered in column 5 of Table No. 2.

in the calendar years 1896 to 1900 who had been PREVIOUSLY CONVICTED.

RATIO PER CENT. OF NUMBER PREVIOUSLY CONVICTED TO NUMBER ADMITTED DURING THE YEAR (COLUMN 3 D) TO COLUMN 2).			5						PROVINCE AND YEAR.			
			JUVENILE PRISONERS UNDER 16 YEARS OF AGE (SEC- TION 399 OF THE CRIMINAL PROCEDURE CODE).									
			A			B						
			Number admitted during the year.			Number previously convicted.						
M.	F.	Total.	M.	F.	Total.	M.	F.	Total.				
11'96	6'55	11'65	294	85	3'9	32	10	42	1896			
13'6	4'53	13'09	335	123	4'58	58	4	62	1897			
13'4	4'5	12'6	376	146	5'22	43	5	48	1898			
13'04	3'75	12'09	354	134	4'88	30	3	33	1899			
13'88	2'58	12'83	440	246	6'86	32	5	37	1900			
16'2	9'51	15'67	74	28	102	5	...	5	1896			
12'58	5'15	12'18	138	41	179	5	1	6	1897			
15'3	4'9	14'7	80	21	101	8	2	10	1898			
13'88	2'60	13'28	96	21	117	3	2	5	1899			
12'71	3'88	12'17	207	68	275	16	3	19	1900			
12'61	6'22	12'38	350	52	4'02	33	2	35	1896			
12'25	6'26	11'97	494	95	5'89	55	3	58	1897			
12'3	6'1	12'1	329	46	3'75	39	...	39	1898			
13'15	5'37	12'86	230	32	2'62	48	...	48	1899			
13'77	7'51	13'53	352	32	3'84	38	1	39	1900			
12'33	7'55	11'03	176	105	2'81	46	5	51	1896			
14'32	7'72	13'67	288	134	4'22	111	3	114	1897			
12'3	8'8	12	198	49	2'47	65	3	68	1898			
11'29	6'12	10'06	205	48	2'53	72	5	77	1899			
13'19	8'22	12'8	288	78	3'66	77	4	81	1900			
13'26	4'72	13'2	158	5	1'63	15	...	15	1896			
14'53	4'53	14'32	254	9	2'63	3	...	35	1897			
13'5	3'1	13'2	125	10	1'35	15	...	15	1898			
13'16	3'11	12'87	90	17	1'16	17	1	18	1899			
14'32	1'71	13'93	137	10	1'47	27	...	27	1900			
22'9	5'87	22'2	128	21	1'49	31	...	31	1896			
23'62	6'03	23'02	110	20	1'30	14	...	14	1897			
25'2	8'5	24'5	58	10	6'8	16	1	17	1898			
23'7	5'21	23'02	95	15	1'10	19	2	21	1899			
21'61	7'06	21'07	74	7	8'1	14	1	15	1900			
23'21	8'25	21'36	121	65	1'86	31	4	35	1896			
23'58	8'01	22'03	320	118	4'38	55	6	61	1897			
22'8	1'7	21'6	63	28	9'1	19	3	22	1898			
22'2	10'42	20'99	59	27	8'6	15	...	15	1899			
25'55	8'54	23'74	121	37	1'74	35	3	38	1900			
9'46	3'98	9'12	3	1	4	...	...	...	1896
7'51	5'41	7'39	8	2	10	...	...	...	1897
7'6	5'3	7'5	8	5	13	3	...	3	1898			
9'19	6'02	9'05	8	...	8	1	...	1	1899			
8'83	3'59	8'59	6	...	6	2	...	2	1900			
6'42	0'1	6'56	...	...	...	...	...	...	1896
13'48	7'61	12'34	...	...	...	...	...	...	1897
8'6	...	8'4	...	...	...	...	...	...	1898
9'13	...	8'61	...	...	...	...	...	...	1899
9'52	...	9'32	...	...	...	...	...	...	1900
8'97	2'54	8'37	22	5	27	2	...	2	1896			
10'81	3'6	10'07	37	15	52	3	...	3	1897			
13'1	3'9	12'1	13	2	15	1	...	1	1898			
15'31	4'1	14'23	6	4	10	3	...	3	1899			
17'8	8'09	17'01	23	21	44	5	...	6	1900			
14'34	7'01	13'91	1,326	367	1,693	195	21	216	1896			
14'34	6'57	14'27	1,984	557	2,541	336	17	353	1897			
13'4	6'4	13'9	1,250	317	1,567	209	14	223	1898			
14'28	4'88	13'75	1,152	298	1,450	208	13	221	1899			
14'73	5'43	14'15	1,664	499	2,163	246	18	264	1900			
									TOTAL.			

No. 6.

EMPLOYMENT of CONVICTS in the JAILS and SUBSIDIARY

1	2	3	4	5	6	7					
PROVINCE AND YEAR.	Average number of convicts not sentenced to labour.	Average number under sentence of labour on working days.	Average number sick.	Average number convalescent and infirm.	Average number not employed for other reasons.	AVERAGE NUMBER					
						A	ON PRISON DUTIES.				
							B	C	D	E	
						On unremunerative labour.	Prison officers.	Prison servants.	Card-making.	employed in preparing articles for use or consumption in jail, e.g., wheat grinding, manufacturing of prison clothing, etc.	
Madras	1896	157	8,112	231	377	294	...	598	628	1,050	1,054
	1897	176	8,458	285	479	483	...	524	663	1,071	1,143
	1898	184	8,975	279	458	375	...	537	703	1,065	1,339
	1899	171	8,635	205	393	295	...	606	700	1,063	1,208
	1900	214	10,344	245	539	463	...	681	803	1,249	1,543
Bombay	1896	81	7,016	254	290	138	316	763	758	454	1,294
	1897	94	7,666	227	250	317	508	761	801	509	1,422
	1898	130	8,445	255	248	305	645	830	860	615	1,512
	1899	127	9,018	258	255	499	420	886	879	616	2,056
	1900	169	11,360	343	329	771	1,017	1,020	1,072	719	2,908
Bengal	1896	153	15,696	780	1,313	112	919	969	1,808	1,067	1,356
	1897	169	17,096	720	1,350	202	1,002	935	1,948	1,104	1,524
	1898	137	16,900	682	1,199	230	823	981	2,031	1,114	1,648
	1899	173	16,923	694	1,287	361	753	1,016	1,981	882	1,622
	1900	207	18,052	824	1,398	486	747	1,055	1,970	802	1,983
North-Western Provinces and Oudh.	1896	225	(a) 30,406	1,587	2,258	271	22	1,736	3,325	1,600	4,153
	1897	229	(a) 33,075	1,674	2,150	578	23	2,018	3,728	1,704	4,779
	1898	135	(a) 30,001	1,417	1,993	348	23	2,017	3,387	1,595	4,026
	1899	212	(a) 27,163	1,035	1,845	35	19	1,901	2,819	1,500	3,756
	1900	215	(a) 28,476	1,042	2,008	394	28	1,917	2,904	1,512	3,925
Panjab	1896	109	(b) 10,823	351	30	93	...	629	1,158	627	2,888
	1897	119	11,515	374	33	105	...	567	1,244	665	3,215
	1898	116	11,393	439	44	128	...	582	1,230	625	3,154
	1899	151	11,912	420	26	165	...	721	1,238	681	2,911
	1900	165	13,730	552	25	337	...	759	1,402	818	3,443
Burma	1896	77	12,142	470	456	209	202	3,052	974	654	600
	1897	77	11,305	376	429	194	90	2,608	990	755	513
	1898	71	10,870	389	397	141	75	2,028	971	872	457
	1899	50	(c) 10,620	324	317	(e) 204	64	2,012	928	831	502
	1900	48	(c) 10,480	320	352	(f) 225	117	1,967	997	824	449
Central Provinces	1896	19	5,148	220	237	77	36	353	400	200	670
	1897	11	6,803	458	376	106	62	381	687	256	895
	1898	18	4,750	251	216	49	2	370	574	210	631
	1899	27	3,780	106	106	51	2	327	461	187	471
	1900	37	5,150	160	130	92	26	561	549	219	520
Assam	1896	8	1,376	76	108	2	47	82	128	151	139
	1897	3	1,360	74	61	4	39	93	118	162	102
	1898	4	1,426	83	56	4	23	105	160	188	126
	1899	5	1,479	69	78	6	89	107	173	170	151
	1900	9	1,445	53	72	9	43	105	182	206	163
Coorg	1896	1	(d) 77	3	...	...	...	7	5	3	6
	1897	...	63	1	...	...	...	6	5	4	4
	1898	2	64	2	...	...	...	3	6	3	7
	1899	2	90	3	...	...	...	5	8	3	6
	1900	1	86	3	4	...	...	6	6	4	6
Hyderabad Assigned Districts.	1896	11	1,167	25	39	3	...	80	124	107	170
	1897	22	1,469	29	50	8	...	84	170	115	236
	1898	9	1,336	25	33	5	1	90	163	109	246
	1899	10	1,094	17	31	3	1	85	143	74	169
	1900	20	1,528	51	63	5	1	92	238	107	227
TOTAL	1896	854	92,055	3,997	5,168	1,200	1,572	8,266	9,398	5,072	12,330
	1897	900	98,900	4,218	5,187	1,817	1,724	8,047	10,304	6,495	13,833
	1898	866	94,234	3,822	4,644	1,645	1,593	7,543	10,094	6,344	13,446
	1899	928	90,714	3,130	4,328	1,039	1,348	7,660	9,330	6,090	12,912
	1900	1,083	100,936	3,594	4,970	2,782	1,979	7,090	10,123	6,458	15,236

(a) The difference of 3 between the total of the figures entered in columns 4 to 7 and those entered in column 3 is due to simple jump assignment planners being employed on work.

FAILS. OF BRITISH INDIA in the calendar years 1896 to 1900.

EMPLOYED ON WORKING DAYS.									8			PROVINCE AND YEAR.
F	ON JAIL BUILDINGS.				K	L		Number of prisoners hired out to municipalities, private individuals, or departments other than the Public Works Department.	RATIO PER CENT ON NUMBER UNDER SENTENCE OF LABOUR (COLUMN 3) OF THOSE EMPLOYED AS			
	Additions and alterations.		New Jails.			PUBLIC WORKS.			Prison officers (7 B).	Prison servants (7 C.)	On manufactures (7 K).	
	G	H	I	J								
Jail pairs.	Under Superintendent.	Under Public Works Department.	Under Superintendent.	Under Public Works Department.	Manu- factures.	Public Works Jails.	Other extra- mural labour.					
256	171	54	274	...	3,105	...	...	22	7'37	7'73	38'27	1896
231	232	39	219	...	3,087	...	...	2	6'2	7'83	36'5	1897
293	301	7	147	...	3,465	...	...	6	6	7'8	38'6	1898
437	186	70	13	...	3,395	...	...	4	7'02	8'11	39'32	1899
611	211	21	...	...	3,915	...	...	63	6'58	7'76	37'85	1900
166	4	37	8	1	1,896	425	98	84	10'87	10'8	27'02	1896
280	8	...	11	...	2,168	183	49	92	9'93	10'45	28'28	1897
297	11	3	16	...	2,108	225	30	127	9'8	10'2	25	1898
221	86	25	4	9	2,237	256	47	264	9'82	9'75	24'81	1899
238	38	13	82	...	2,495	347	87	91	8'81	9'21	21'44	1900
223	569	94	20	295	6,001	...	...	169	6'17	11'52	38'23	1896
214	720	150	25	361	6,771	...	...	61	5'47	11'39	39'61	1897
237	771	60	13	156	6,968	...	...	57	5'8	12	41'1	1898
264	805	74	1	11	7,150	...	...	23	6	11'71	42'25	1899
201	814	105	4	1	7,633	...	...	29	5'84	10'91	41'28	1900
1,914	1,207	...	30	...	12,268	28	...	49	5'69	10'9	40'22	1896
2,088	875	...	...	...	13,556	...	14	...	6'1	11'27	40'99	1897
1,842	824	...	...	...	12,499	...	15	17	6'7	11'3	41'7	1898
1,677	915	...	...	...	11,280	...	...	...	7'01	10'38	41'53	1899
1,687	902	27	...	...	12,055	...	2	44	6'83	10'19	42'33	1900
544	107	17	...	...	3,941	386	3	50	5'81	10'7	36'11	1896
669	188	33	...	...	4,241	174	...	7	4'93	10'8	36'83	1897
629	255	29	...	5	4,090	5	127	42	5'1	10'9	35'9	1898
631	4	212	...	659	3,616	418	112	55	5'98	10'39	30'36	1899
850	60	107	...	...	4,066	1,275	...	45	5'46	10'21	29'01	1900
114	120	88	...	127	4,885	...	185	6	25'14	8'02	40'23	1896
112	312	310	...	10	4,568	23	...	35	23'5	8'69	40'09	1897
107	216	202	...	21	8,942	29	...	23	18'7	8'9	45'5	1898
136	238	75	2	5	4,937	...	62	...	18'95	8'74	46'49	1899
133	254	208	25	46	4,457	1	107	...	18'77	9'51	42'53	1900
239	164	38	...	...	2,400	...	...	15	6'86	9'52	43'63	1896
272	186	11	...	...	3,045	...	...	67	5'6	10'1	44'75	1897
135	116	10	...	...	2,152	...	...	34	7'8	12'1	45'3	1898
102	63	14	...	...	1,884	...	...	7	8'65	12'2	49'84	1899
180	232	10	...	...	2,614	2	...	5	7'01	10'64	50'67	1900
48	63	...	...	...	165	...	60	307	5'08	9'33	12	1896
92	132	...	...	...	164	...	57	222	6'86	11'6	12'5	1897
59	100	2	27	12	154	...	64	262	7'4	11'2	10'8	1898
56	65	4	3	17	214	...	54	215	7'23	11'7	14'47	1899
66	57	5	5	29	244	...	39	167	7'26	12'57	16'91	1900
2	...	...	...	...	24	24	...	2	8'75	7'15	31'26	1896
8	...	2	...	...	17	8	...	8	8'75	8'69	27'18	1897
7	...	11	...	...	19	8	...	1	4'4	8'8	27'9	1898
14	...	...	...	...	23	22	...	4	5'55	8'88	25'55	1899
9	...	5	...	...	21	18	...	4	6'9	7'5	24'41	1900
12	7	1	...	...	590	...	...	9	6'82	10'59	50'6	1896
12	11	1	...	...	748	...	...	5	5'7	11'58	50'92	1897
14	22	...	...	...	624	...	...	4	6'7	12'2	46'7	1898
13	17	7	...	...	530	...	...	...	7'79	13'07	48'45	1899
13	8	9	...	...	714	...	...	...	6'02	15'58	46'73	1900
3,518	2,412	329	332	423	35,275	863	346	713	8'96	10'21	38'3	1896
3,978	2,665	546	255	371	38,365	388	120	499	8'14	10'51	38'79	1897
3,620	2,016	324	203	194	37,021	267	236	573	8	10'7	39'3	1898
3,551	2,422	481	23	701	35,266	606	275	572	8'44	10'29	38'88	1899
3,968	2,576	510	116	76	38,214	1,643	235	448	7'91	10'03	37'86	1900
TOTAL												

No. 7.

OFFENCES COMMITTED by the CONVICTS and the PUNISHMENTS INFLICTED on them in the

1	2	3	4					
			OFFENCES DEALT WITH BY					
			A		B		C	
			RELATING TO WORK.		RELATING TO PROHIBITED ARTICLES.		RELATING TO ASSAULTS, MUTINY, AND ESCAPES.	
PROVINCE AND YEAR.	Daily average population.	Offences dealt with by Criminal Courts.	Dealt with by minor punishments.	Dealt with by major punishments.	Dealt with by minor punishments.	Dealt with by major punishments.	Dealt with by minor punishments.	Dealt with by major punishments.
Madras	1896	8,263	41	9,102	1,151	1,745	212	90
	1897	8,635	23	5,683	1,600	1,558	505	132
	1898	9,158	20	6,379	2,091	1,945	385	253
	1899	8,801	26	6,344	1,776	2,025	353	190
	1900	10,435	25	6,634	1,594	1,838	369	187
Bombay	1896	7,100	59	2,371	639	660	316	123
	1897	7,760	23	3,143	2,091	1,080	251	80
	1898	8,575	41	4,230	1,295	1,525	299	75
	1899	9,145	18	3,198	841	1,333	242	125
	1900	11,805	11	3,360	751	1,632	330	114
Bengal	1896	15,895	38	15,190	1,150	3,332	711	417
	1897	17,366	72	16,034	1,110	3,673	914	536
	1898	17,183	52	17,335	1,243	4,021	598	633
	1899	17,265	86	17,614	1,708	3,562	710	1,131
	1900	18,453	49	17,653	1,484	4,197	719	1,499
North-Western Provinces and Oudh	1896	30,784	30	7,341	583	1,766	256	495
	1897	33,382	58	11,606	1,450	2,656	490	264
	1898	30,246	33	14,274	2,314	3,104	704	304
	1899	27,439	24	17,218	3,487	3,313	712	180
	1900	28,767	30	22,181	2,685	3,297	805	118
Panjab	1896	10,940	71	19,456	2,276	1,976	617	57
	1897	11,648	59	16,502	2,607	1,573	782	35
	1898	11,524	49	17,346	3,405	1,799	808	38
	1899	12,080	83	15,646	4,378	2,189	855	40
	1900	13,921	59	13,075	3,850	2,091	1,003	43
Burma	1896	14,031	25	17,712	741	3,916	536	439
	1897	13,063	40	15,954	1,387	3,619	773	410
	1898	12,360	58	23,044	2,011	3,415	715	282
	1899	12,205	71	21,193	1,001	3,051	765	345
	1900	12,187	36	16,106	922	3,079	919	447
Central Provinces ...	1896	5,196	23	3,229	323	484	93	142
	1897	6,838	24	3,919	407	346	128	46
	1898	4,776	27	3,124	494	309	125	47
	1899	3,812	13	2,988	1,080	234	100	68
	1900	5,163	24	3,572	1,063	176	64	52
Assam	1896	1,392	49	479	21	94	68	19
	1897	1,371	39	285	16	132	41	34
	1898	1,439	21	256	9	115	23	20
	1899	1,491	16	424	8	160	37	42
	1900	1,463	27	644	51	282	26	36
Coorg (a)	1896	87	...	41	3	17	2	...
	1897	72	...	31	7	9	11	...
	1898	78	1	68	6	22	2	5
	1899	102	...	34	11	21	6	...
	1900	99	3	82	11	22	3	...
Hyderabad Assigned Districts	1896	1,344	...	158	18	259	34	16
	1897	1,697	1	269	11	285	29	9
	1898	1,521	6	223	55	535	131	29
	1899	1,250	3	171	88	279	118	32
	1900	1,740	...	195	38	266	198	14
TOTAL	1896	95,032	336	75,079	6,905	14,249	2,845	1,498
	1897	101,832	339	73,426	10,686	14,931	3,926	1,548
	1898	96,852	308	86,279	12,923	16,790	3,790	1,690
	1899	93,596	340	84,830	14,378	16,167	3,298	2,153
	1900	104,023	264	83,502	12,449	16,880	4,436	2,510

JAILS and SUBSIDIARY JAILS of BRITISH INDIA in the calendar years 1896 to 1900.

SUPERINTENDENTS.				5	6		PROVINCE AND YEAR.	
				PUNISHMENTS INFLICTED.				
D		E		By Criminal Courts.	By SUPERINTENDENTS			
ALL OTHER BREACHES OF JAIL RULES.		TOTAL.			Minor.			
Dealt with by minor punishments.	Dealt with by major punishments.	Dealt with by minor punishments.	Dealt with by major punishments.		(a)			(b)
					Warnings.	Penal diet.		
2,738	355	13,675	1,761	41	2,945	3,160	1896	
2,631	728	10,004	2,952	23	3,314	2,174	1897	
3,041	714	11,618	3,347	20	4,125	1,575	1898	
3,376	678	11,935	2,930	26	4,508	956	1899	
2,942	605	11,601	2,698	25	4,345	729	1900	
1,503	437	4,657	1,493	59	1,065	540	1896	
2,230	411	6,533	2,857	23	2,005	364	1897	
2,608	632	8,438	12,351	41	1,763	923	1898	
2,469	695	7,125	1,939	18	1,477	800	1899	
2,244	861	7,350	2,149	11	1,434	831	1900	
13,417	1,132	32,356	3,192	37	8,678	692	1896	
14,680	1,153	34,923	3,483	69	10,060	1,004	1897	
12,935	1,376	34,924	3,515	50	9,939	993	1898	
12,661	1,654	34,968	4,516	85	10,002	650	1899	
13,543	2,066	36,892	4,684	45	11,112	774	1900	
6,442	796	15,744	1,826	30	5,971	1,075	1896	
9,230	1,468	23,756	3,696	58	9,224	1,506	1897	
12,213	1,906	29,895	5,258	33	12,449	1,440	1898	
12,123	2,339	32,834	6,900	24	12,975	1,825	1899	
11,953	2,534	37,549	6,310	30	14,901	1,221	1900	
7,763	1,589	29,252	4,555	58	6,926	239	1896	
6,380	2,009	24,490	5,475	57	7,127	416	1897	
5,416	2,032	24,599	6,411	56	7,595	260	1898	
5,367	2,364	23,242	7,791	80	9,265	260	1899	
5,544	2,497	20,753	7,558	58	8,098	272	1900	
17,610	1,442	39,677	2,969	25	5,000	9,052	1896	
13,431	1,252	33,414	3,768	40	4,602	8,976	1897	
13,974	1,537	40,715	4,638	58	4,989	11,474	1898	
13,762	1,340	38,351	3,424	71	4,579	11,084	1899	
15,869	1,540	35,501	3,743	36	5,439	8,889	1900	
1,933	226	5,788	707	23	2,160	313	1896	
2,075	311	6,386	925	24	2,368	213	1897	
1,654	196	5,134	853	27	1,972	93	1898	
1,399	221	4,689	1,444	13	1,788	133	1899	
1,398	164	5,198	1,323	24	2,343	161	1900	
285	69	877	182	46	343	57	1896	
189	43	640	117	33	275	10	1897	
209	29	609	85	24	252	7	1898	
245	34	871	107	17	382	22	1899	
436	43	1,398	150	22	658	7	1900	
41	18	99	23	...	52	4	1896	
47	13	89	36	...	36	15	1897	
85	14	175	24	1	69	50	1898	
128	24	183	43	...	102	32	1899	
176	18	280	32	3	127	54	1900	
376	73	809	137	...	256	23	1896	
350	63	913	111	1	350	52	1897	
528	85	1,315	288	6	360	115	1898	
359	84	841	300	1	281	36	1899	
349	131	824	387	...	256	51	1900	
52,108	6,135	142,934	16,845	319	33,405	15,155	1896	
51,243	7,451	141,148	23,415	328	39,370	14,730	1897	
52,663	8,521	157,422	26,770	316	43,513	16,930	1898	
51,889	9,433	155,039	29,403	335	45,359	15,798	1899	
54,454	10,459	157,346	29,034	254	48,713	12,989	1900	
							Total	

NO. 7—continued.

OFFENCES COMMITTED by the CONVICTS and the PUNISHMENTS INFLICTED on them in the

PROVINCE AND YEAR.				6				7			
				PUNISHMENTS INFLICTED							
				By SUPERINTENDENTS							
				Minor.				Major.			
				(c)	(d)	(e)	(f)	(a)	(b)	(c)	(d)
Separate and solitary confinement.	Hand-cuffing and link-fetters.	Other punishments.	Total.	Separate cellular and solitary confinement.	Penal diet with solitary confinement.	Fetters.	Corporal punishment.				
Madras	1895	741	42	6,787	13,675	628	309	20	152		
	1897	344	702	3,470	10,004	440	249	833	93		
	1898	313	1,329	4,276	11,618	153	148	1,339	85		
	1899	328	2,204	4,315	12,311	118	43	1,370	67		
	1900	322	2,549	3,957	11,902	138	8	1,599	52		
Bombay	1896	403	439	2,259	4,706	158	365	300	139		
	1897	491	742	2,931	6,533	204	970	1,140	135		
	1898	667	940	4,145	8,438	333	320	1,153	133		
	1899	309	1,019	3,630	7,239	206	88	1,107	174		
	1900	112	1,274	3,881	7,532	151	163	1,397	159		
Bengal	1896	705	13,058	9,223	32,356	176	90	1,542	223		
	1897	851	12,570	10,438	34,923	203	108	1,568	232		
	1898	977	12,190	10,825	34,924	192	125	1,154	327		
	1899	853	13,571	10,037	35,113	266	104	1,808	322		
	1900	1,271	12,178	11,871	37,206	418	77	2,126	278		
North-Western Provinces and Oudh	1896	2,055	658	5,985	15,744	386	327	218	329		
	1897	2,974	2,192	7,860	23,756	1,080	397	896	416		
	1898	2,742	3,705	9,559	29,895	981	372	2,473	352		
	1899	1,349	5,255	11,449	32,853	648	165	4,502	326		
	1900	1,865	5,163	14,405	37,555	689	157	3,967	295		
Panjab	1896	4,273	1	17,813	29,252	3,894	281	...	193		
	1897	2,261	416	14,270	24,490	4,278	193	539	145		
	1898	1,614	964	14,177	24,610	3,548	162	2,014	184		
	1899	1,901	1,513	10,339	23,278	2,399	90	4,660	188		
	1900	1,846	2,002	8,542	20,760	2,153	194	4,762	216		
Burma	1896	905	3,957	21,663	39,677	149	1,345	947	362		
	1897	833	1,952	17,051	33,414	363	740	1,860	295		
	1898	795	2,590	20,861	40,715	486	804	2,242	339		
	1899	362	3,443	18,883	38,351	536	522	1,542	273		
	1900	333	3,663	17,177	35,501	696	396	1,613	251		
Central Provinces	1896	207	852	2,247	5,788	76	36	236	173		
	1897	143	1,226	2,436	6,386	111	30	414	225		
	1898	79	870	2,120	5,134	87	17	437	155		
	1899	131	1,117	1,576	4,745	139	19	1,156	225		
	1900	269	912	1,579	5,264	59	37	1,099	191		
Assam	1896	19	13	413	845	1	2	10	131		
	1897	18	13	324	40	11	...	11	45		
	1898	17	26	307	609	4	2	14	29		
	1899	11	49	406	870	15	...	12	37		
	1900	11	31	702	1,409	24	...	65	18		
Coorg	1896	...	...	43	99	...	1	2	16
	1897	1	...	37	89	...	3	4	26		
	1898	...	...	56	175	...	1	8	12
	1899	4	...	76	214	1	...	10	22		
	1900	10	...	89	280	1	...	9	14		
Hyderabad Assigned Districts	1896	38	3	489	809	16	38	36	35		
	1897	30	17	455	913	1	21	34	22		
	1898	20	111	709	1,315	8	20	136	75		
	1899	23	41	461	842	7	13	108	52		
	1900	23	63	437	830	5	14	289	37		
TOTAL	1896	9,346	18,123	66,922	142,951	5,484	2,794	3,311	1,753		
	1897	7,946	19,830	59,272	141,148	6,691	2,711	7,399	1,634		
	1898	7,224	22,731	67,035	157,433	5,792	1,971	10,972	1,691		
	1899	5,271	28,212	61,172	155,812	4,335	1,044	16,365	1,686		
	1900	8,062	27,835	62,640	158,239	4,334	1,046	16,926	1,511		

FAILS and SUBSIDIARY FAILS of BRITISH INDIA in the calendar years 1896 to 1900—continued.

		8	9	10	11	12		
(e)	(f)	Grand total of punishments.	Ratio of column 6 (f) to column 2.	Ratio of column 7 (f) to column 2.	Ratio of column 8 to column 2.	Ratio of column 7 (d) to column 8.	PROVINCE AND YEAR.	
Other punishments.	Total.							
652	1,761	15,477	165'49	21'31	187'3	'98	1896	} Madras
1,337	2,952	12,979	115'86	34'19	150'32	'72	1897	
1,622	3,347	14,985	127	36'6	163'8	'6	1898	
1,359	2,957	15,294	139'88	33'6	173'78	'44	1899	
922	2,719	14,646	114'06	20'06	140'35	'36	1900	
482	1,444	6,209	66'28	20'34	87'45	2'24	1896	} Bombay
408	2,857	9,413	84'19	36'82	121'13	1'43	1897	
412	2,351	10,830	98'4	27'4	126'3	1'2	1898	
374	1,949	9,202	79'11	21'31	100'62	1'89	1899	
318	2,188	9,731	63'8	18'53	82'43	1'04	1900	
1,161	3,192	35,585	203'55	20'08	223'87	'63	1896	} Bengal
1,372	3,483	38,475	201'1	20'6	221'55	'6	1897	
1,717	3,515	38,489	203'2	20'5	22'4	'8	1898	
2,377	4,877	40,075	203'38	28'25	232'12	'8	1899	
2,271	5,170	42,421	201'62	28'01	229'89	'65	1900	
566	1,826	17,600	51'14	5'93	57'17	1'82	1896	} North-Western Provinces and Oudh
907	3,696	27,510	71'16	11'07	82'41	1'51	1897	
1,080	5,258	35,186	98'8	17'4	116'3	'1	1898	
1,274	6,915	39,792	119'73	25'2	145'02	'82	1899	
1,210	6,318	43,903	130'54	21'96	152'61	'67	1900	
190	4,558	33,868	258'24	41'66	309'58	'57	1896	} Panjab
322	5,477	30,024	210'25	47'02	257'75	'48	1897	
545	6,453	31,110	213'6	56	270	'6	1898	
500	7,841	31,199	192'7	64'91	258'27	'6	1899	
311	7,026	28,444	149'23	54'78	204'47	'76	1900	
166	2,969	42,671	282'78	21'16	304'12	'85	1896	} Burma
505	3,703	37,217	255'79	28'81	284'9	'79	1897	
765	4,638	45,411	329'4	37'5	367'4	'7	1898	
551	3,424	41,846	314'22	28'05	342'86	'65	1899	
787	3,743	39,280	291'3	30'71	322'31	'04	1900	
186	707	6,518	111'39	13'41	125'44	2'66	1896	} Central Provinces
145	925	7,335	93'38	13'53	107'26	3'07	1897	
157	853	6,014	107'75	17'9	125'9	2'6	1898	
196	1,735	6,493	124'48	45'51	170'33	3'47	1899	
198	1,584	6,872	101'94	30'67	133'09	2'77	1900	
68	212	1,103	60'72	15'23	79'26	11'88	1896	} Assam
48	115	788	46'68	8'39	57'48	5'71	1897	
35	84	717	42'3	5'8	49'8	4	1898	
51	115	1,002	58'35	7'71	67'2	3'69	1899	
43	150	1,581	96'31	10'25	108'07	1'14	1900	
4	23	122	113'32	26'33	139'65	13'11	1896	} Coorg
3	30	125	124'11	50'2	174'31	20'8	1897	
3	24	200	224'3	30'8	256'4	6	1898	
16	49	263	209'8	48'04	257'84	8'36	1899	
18	42	325	232'83	42'42	328'28	4'31	1900	
12	137	946	60'18	10'19	70'37	3'7	1896	} Hyderabad Assigned Districts
33	111	1,025	53'8	6'54	60'4	2'24	1897	
49	288	1,609	86'5	18'9	105'7	4'7	1898	
42	312	1,155	67'36	24'96	92'4	4'5	1899	
42	387	1,217	47'7	22'24	69'94	3'04	1900	
3,487	16,829	160,099	150'42	17'71	168'47	1'09	1896	} TOTAL
5,080	23,415	164,891	138'61	22'99	161'92	'99	1897	
6,385	26,811	184,560	163'4	27'8	191'5	'9	1898	
6,744	30,174	186,321	166'48	32'24	199'08	'9	1899	
6,110	29,927	188,420	152'12	28'77	181'13	'8	1900	

No. 8.

EXPENDITURE in GUARDING and MAINTAINING the PRISONERS in the JAILS and SUBSIDIARY JAILS, of ADDITIONS,

1		2				3				DISTING.	
PROVINCE AND YEAR.		DAILY AVERAGE NUMBER OF PRISONERS.				ESTABLISHMENT.				DISTING.	
		Convicts.	Under trial.	Civil.	Total.	A	B	C	D	A	B
						Permanent.	Temporary.	Total cost.	Cost per head of average strength.	Ration.	Miscellaneous dieting charges including diet of prisoners in hajats and camps.
1		2	3	4	5	6	7	8	9	10	11
						Rs.	Rs.	Rs.	Rs. A. P.	Rs.	Rs.
Madras	1896	8,263	1,145	179	9,587	2,44,507	6,054	2,50,561	26 2 2	2,28,560	1,673
	1897	8,635	1,507	186	10,328	2,39,037	6,850	2,45,887	23 12 11	3,24,038	2,444
	1898	9,150	1,509	187	10,936	2,43,683	6,894	2,50,577	22 14 7	3,64,991	3,124
	1899	8,801	1,766	180	10,747	2,72,953	7,414	2,80,367	26 1 5	2,96,729	4,139
	1900	10,435	2,212	185	12,832	2,55,797	10,474	2,66,181	20 11 11	4,18,950	3,533
Bombay	1896	7,100	1,032	...	8,132	2,00,477	410	2,00,887	28 4 —	2,34,125	1,302
	1897	7,760	1,559	...	9,319	2,02,382	2,147	2,04,529	21 15 2	4,04,856	2,095
	1898	8,575	1,515	...	10,090	1,99,164	1,512	2,00,676	19 14 3	3,28,331	1,790
	1899	9,145	1,731	...	10,876	2,03,348	2,041	2,05,389	18 14 2	3,16,513	2,072
	1900	11,805	2,856	...	14,661	2,14,441	10,009	2,24,510	15 5 —	6,14,509	2,965
Bengal	1896	15,805	1,542	58	(a) 17,495	4,65,704	4,512	4,70,216	26 14 —	4,77,096	16,651
	1897	17,366	2,129	50	(a) 19,545	4,89,401	5,428	4,94,829	25 5 1	7,25,222	10,061
	1898	17,183	1,744	49	(a) 18,976	4,68,899	3,888	4,72,787	24 14 7	5,08,798	10,999
	1899	17,265	1,783	58	(a) 19,106	4,75,509	3,677	4,79,186	25 1 3	4,86,472	10,757
	1900	18,463	2,234	62	20,759	4,67,231	6,858	4,74,089	22 13 4	5,82,370	15,071
North-Western Provinces and Oudh.	1896	30,784	2,075	124	32,983	4,21,769	14,024	4,35,793	13 3 5	7,62,934	15,135
	1897	33,382	2,781	94	36,257	4,20,094	13,084	4,30,178	12 1 9	11,42,734	12,125
	1898	30,246	1,750	137	32,133	4,16,600	10,297	4,26,897	13 4 5	6,93,753	12,291
	1899	27,439	1,737	129	29,305	4,16,314	133	4,16,447	14 3 4	5,69,339	12,307
	1900	28,767	2,181	132	31,080	4,11,081	51	4,11,732	13 3 11	8,47,702	15,621
Panjab	1896	10,940	873	45	(b) 11,858	3,24,943	19,951	3,44,894	29 1 4	2,79,491	7,704
	1897	11,648	1,051	41	(b) 12,740	3,22,774	10,186	3,32,960	26 2 2	3,94,496	8,866
	1898	11,524	937	50	(b) 12,511	3,01,463	6,523	3,07,986	24 10 —	2,70,427	7,763
	1899	12,080	1,227	52	(b) 13,359	3,22,366	17,423	3,39,589	25 6 9	2,77,527	11,563
	1900	13,911	1,444	50	(b) 15,465	3,33,941	25,189	3,59,130	23 5 —	4,28,306	18,387
Burma	1896	14,031	387	43	14,461	3,20,866	2,109	3,22,975	22 5 4	4,61,885	3,684
	1897	13,003	331	42	13,436	3,26,337	643	3,26,980	24 5 5	4,40,757	3,345
	1898	12,360	273	39	12,672	3,11,262	795	3,12,057	24 10 —	3,81,383	4,193
	1899	12,205	301	41	12,547	3,10,768	2,014	3,12,782	24 14 10	3,40,255	4,782
	1900	12,187	289	41	12,517	3,09,141	2,225	3,11,366	24 14 —	3,40,554	3,160
Central Provinces.	1896	5,196	292	14	5,602	1,00,599	914	1,01,513	18 1 11	1,42,356	1,108
	1897	6,838	551	12	7,401	90,731	4,264	1,03,095	14 — 10	2,66,073	4,379
	1898	4,776	268	10	5,054	1,10,347	2,596	1,12,943	22 5 7	2,13,315	2,284
	1899	3,812	312	8	4,132	1,15,919	1,110	1,17,035	28 5 2	1,21,984	1,558
	1900	5,163	504	7	5,674	1,18,040	4,696	1,22,736	21 10 1	2,12,956	4,225
Assam	1896	1,392	136	5	1,533	22,453	635	23,088	15 — 11	36,754	321
	1897	1,371	124	4	1,499	23,690	616	24,306	16 3 5	52,855	537
	1898	1,439	138	6	1,583	24,364	677	25,041	15 13 1	61,933	609
	1899	1,491	128	5	1,624	23,728	765	24,493	15 1 4	52,420	485
	1900	1,463	152	4	1,619	27,178	622	27,800	17 2 8	59,129	602
Coorg	1896	88	11	2	101	3,984	...	3,984	30 6 9	4,005	31
	1897	72	12	2	86	3,989	...	3,989	46 3 7	3,872	63
	1898	79	13	2	94	4,563	...	4,563	48 8 8	4,103	68
	1899	103	13	1	117	5,042	...	5,042	43 1 6	5,109	55
	1900	99	15	2	116	3,273	1,846	5,119	46 10 0	7,625	58
Hyderabad Assigned Districts.	1896	1,344	83	6	1,433	35,661	237	35,898	25 — 11	38,645	782
	1897	1,697	199	2	1,898	37,055	504	37,559	19 12 7	81,555	688
	1898	1,521	90	2	1,613	36,212	490	36,702	20 12 1	46,961	648
	1899	1,250	170	6	1,426	36,410	113	36,523	25 4 10	37,629	1,623
	1900	1,740	187	...	1,927	37,592	1,125	38,517	19 15 10	82,480	1,101
TOTAL	1896	95,033	7,676	476	103,185	21,40,663	48,846	21,89,809	21 3 7	26,65,860	48,451
	1897	101,832	10,244	433	112,509	21,70,492	43,722	22,14,212	19 10 11	38,37,358	44,608
	1898	96,853	8,327	482	105,662	21,16,317	33,672	21,49,989	20 5 7	29,63,995	43,769
	1899	93,591	9,168	480	103,239	21,82,357	34,496	22,16,853	21 7 7	25,03,977	49,341
	1900	104,033	12,074	483	116,590	21,78,025	63,155	22,41,180	19 3 7	35,94,641	64,793

(a) Excluding an average of 4, 9, 12, and 11 State prisoners confined in the jails of Bengal during the years 1896, 1897, 1898, and 1899, respectively.

(b) Excluding 40, 40, 40, 40, 40.

TAILS of BRITISH INDIA in the calendar years 1896 to 1900 (excluding the cost of BUILDING NEW ALTERATIONS, or REPAIRS).

CHARGES.				HOSPITAL CHARGES.								PROVINCE AND YEAR.	
C	D	E	F	A	B	C	D	E	F	G			
Garden and agricultural expenses	Proportion of dairy expenses	Total cost.	Cost per head of average strength excluding civil prisoners.	Sick diet and extras for patients.	Extras special diet for weakly prisoners not in hospital.	Medicines, hospital bedding, clothing, etc.	Proportion of dairy expenses.	Total cost.	Cost per head of average strength.	Cost per head of average number sick.			
12	13	14	15	16	17	18	19	20	21	22			
Rs.	Rs.	Rs.	Rs. A. P.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs. A. P.	Rs. A. P.			
769	12	2,30,185	24 7 6	10,868	5,765	7,946	331	24,910	2 9 7	102 1 3	1896		
142	6	3,20,346	32 2 10	15,753	3,717	11,508	200	31,248	3 — 5	100 1 1	1897		
516	8	3,67,607	34 2 6	14,764	1,052	10,054	500	26,370	2 6 7	83 12 6	1898		
541	11	3,00,338	28 6 2	10,405	951	6,120	501	17,977	1 10 9	76 6 10	1899		
818	138	4,21,803	33 5 2	11,855	1,331	10,756	618	24,560	1 14 7	84 15 6	1900		
1,246	..	2,36,673	29 1 8	11,690	5,034	6,914	...	23,668	2 14 7	89 5 7	1896		
1,993	24	4,08,968	42 13 —	13,489	7,835	7,632	108	29,114	3 2 —	120 3 —	1897		
2,072	55	3,32,248	32 14 10	13,289	8,446	5,043	223	27,601	2 11 9	101 1 8	1898		
1,833	46	3,20,464	29 7 5	15,156	7,824	6,408	684	30,162	2 12 4	111 8 1	1899		
1,847	..	0,19,323	42 3 11	21,405	8,071	5,168	1,023	35,067	2 6 11	97 3 10	1900		
5,388	1,325	5,00,470	28 13 10	44,912	14,196	18,931	13,092	92,061	5 4 2	135 9 4	1896		
6,163	1,384	7,42,835	38 1 8	46,314	18,696	16,946	13,688	95,644	4 14 4	137 10 4	1897		
6,319	1,193	6,17,309	32 9 9	49,441	14,113	18,162	11,767	93,483	4 14 10	145 2 8	1898		
7,138	1,850	5,06,217	26 9 1	44,650	12,111	19,129	15,492	91,382	4 12 6	139 7 9	1899		
5,568	1,027	6,04,036	29 2 11	57,734	13,259	19,310	18,141	1,08,444	5 3 6	134 8 10	1900		
8,891	464	7,87,424	23 10 6	64,138	5,180	12,845	1,753	83,916	2 8 8	40 11 —	1896		
8,739	555	11,04,153	32 3 1	70,105	7,280	11,406	2,101	97,072	2 10 10	53 7 10	1897		
6,850	318	7,13,212	22 4 7	60,667	6,134	11,092	1,649	79,542	2 7 7	52 14 10	1898		
8,032	33	5,89,711	20 3 4	41,571	4,521	12,680	575	59,317	2 — 4	53 8 5	1899		
8,612	178	8,72,173	28 2 10	50,101	2,794	13,610	510	73,015	2 5 7	65 8 1	1900		
1,301	334	2,28,890	24 7 3	9,641	7,803	12,342	10,451	41,237	3 7 8	112 10 8	1896		
1,324	15	4,04,701	31 13 11	13,274	8,901	9,125	10,014	40,314	3 2 8	102 5 1	1897		
1,198	9	2,79,397	22 6 9	15,046	12,856	15,016	6,149	49,067	3 14 9	106 7 —	1898		
1,912	8	2,91,010	21 13 11	15,326	11,523	14,076	5,826	46,751	3 8 —	106 — 2	1899		
3,245	64	4,50,002	29 4 11	23,527	12,791	13,729	6,258	56,305	3 10 6	97 3 11	1900		
2,359	186	4,68,114	32 7 6	16,764	7,422	13,218	1,401	38,805	2 10 11	76 6 2	1896		
3,422	98	4,47,622	33 6 9	12,466	5,504	12,464	2,225	32,439	2 6 8	85 2 3	1897		
2,675	94	3,88,345	30 11 10	11,962	7,095	9,869	1,367	30,293	2 6 3	75 11 9	1898		
3,591	76	3,48,706	27 14 2	9,753	5,178	7,381	2,030	24,342	1 15 1	73 1 7	1899		
3,229	60	3,47,003	27 13 —	11,023	3,831	6,526	808	22,188	1 12 4	63 15 1	1900		
1,479	...	1,44,943	25 15 —	4,581	1,563	2,051	...	8,195	1 7 3	36 3 8	1896		
1,124	...	2,72,476	36 14 —	14,604	4,419	1,800	553	21,376	2 14 3	44 12 1	1897		
1,713	...	2,17,312	42 15 11	11,408	12,236	3,143	464	27,251	5 6 3	104 12 9	1898		
1,416	244	1,25,202	30 5 8	4,443	7,307	2,129	1,116	14,995	3 10 1	136 — 4	1899		
1,367	895	2,19,443	38 11 6	5,759	8,387	2,156	1,479	17,781	3 2 2	105 14 4	1900		
927	...	38,002	24 13 11	2,792	67	2,247	...	5,106	3 5 3	65 5 3	1896		
1,840	...	55,232	36 15 3	2,843	232	2,465	...	5,540	3 11 1	71 14 7	1897		
1,440	4	63,986	40 9 2	3,687	93	3,230	11	7,021	4 7 —	81 14 8	1898		
1,615	2	54,522	31 10 9	2,810	75	2,504	277	5,666	3 7 10	80 13 —	1899		
1,598	65	61,394	38 — 3	3,210	29	3,621	6	6,866	4 3 10	120 2 7	1900		
...	...	4,036	40 12 10	119	...	13	...	132	1 4 11	44 11 11	1896		
...	...	3,935	46 9 6	69	...	5	...	74	— 13 9	83 3 1	1897		
...	...	4,171	45 5 5	132	...	10	...	151	1 9 8	68 7 1	1898		
...	...	5,164	44 2 2	172	...	46	...	218	1 15 7	67 11 3	1899		
...	...	7,683	67 6 4	117	...	83	...	200	1 13 —	75 6 1	1900		
560	...	39,987	28 — 4	948	330	628	...	1,906	1 5 3	72 13 9	1896		
664	...	82,907	43 11 7	1,630	328	593	...	2,461	1 4 9	80 10 7	1897		
540	...	48,149	29 14 2	1,087	311	763	...	2,161	1 5 5	83 1 10	1898		
361	...	39,613	27 14 4	932	115	871	...	1,918	1 4 10	134 8 7	1899		
549	...	84,130	43 10 6	3,015	483	1,745	...	5,243	2 11 6	100 13 3	1900		
22,081	2,331	27,38,724	26 10 8	1,66,483	48,360	77,165	27,928	3,19,936	3 1 7	78 5 4	1896		
25,132	2,082	39,09,175	34 14 1	1,96,337	55,912	73,094	20,039	3,55,282	3 2 6	80 4 6	1897		
22,291	1,681	30,31,736	28 5 4	1,82,283	61,536	76,991	22,130	3,42,940	3 3 11	86 13 6	1898		
25,357	2,272	25,80,947	25 — —	1,45,218	49,605	71,434	26,501	2,92,758	2 13 4	90 3 11	1899		
25,199	2,427	36,86,990	31 12 1	1,93,746	50,976	76,704	28,843	3,50,269	3 — 1	92 9 10	1900		
											TOTAL		

No. 8—continued.

EXPENDITURE in GUARDING and MAINTAINING the PRISONERS in the JAILS and SUBSIDIARY JAILS, of ADDITIONS,

PROVINCE AND YEAR.		6		7					8			
		CLOTHING AND BEDDING OF PRISONERS.		SANITATION CHARGES.					CHARGES FOR MOVING PRISONERS.			
		A	B	A	B	C	D	E	A	B	C	D
		Total cost.	Cost per head of average strength, excluding civil prisoners.	Charges of conservancy, cleansing, and purifying.	Charges for water-supply.	Extra-ordinary charges.	Total cost.	Cost per head of average strength.	Transfer charges and road subsistence of convicts and under trial prisoners.	Transportation charges.	Total cost.	Cost per head of average strength.
		23	24	25	26	27	28	29	30	31	32	33
		Rs.	Rs. A. P.	Rs.	Rs.	Rs.	Rs.	Rs. A. P.	Rs.	Rs.	Rs.	Rs. A. P.
Madras	1896	23,472	2 7 11	2,315	2,440	286	5,041	— 8 5	19,976	2,825	22,801	2 6 1
	1897	18,927	1 13 10	2,945	4,346	9,433	16,724	1 9 11	32,351	4,037	36,388	3 8 4
	1898	29,984	2 12 7	3,183	5,528	1,665	10,376	— 15 1	33,051	3,847	36,898	3 6 —
	1899	24,110	2 4 6	3,171	4,400	46	7,617	— 11 4	27,271	3,940	31,191	2 14 5
	1900	38,200	3 0 3	3,473	7,291	1,152	11,910	— 14 10	41,076	6,804	47,880	3 11 8
Bombay	1896	25,301	3 1 9	5,834	7,700	214	13,748	1 11 —	16,562	511	17,073	2 1 7
	1897	29,538	3 2 9	6,303	6,365	1,406	14,074	1 8 2	24,117	—	24,117	2 9 5
	1898	35,180	3 7 9	7,048	8,778	2,797	18,616	1 13 6	19,532	2,079	21,611	2 2 3
	1899	27,584	2 8 7	7,087	12,295	3,400	22,782	2 1 6	19,974	2,411	22,385	2 — 11
	1900	46,844	3 3 2	7,999	16,137	6,807	30,943	2 1 9	28,463	—	28,463	1 15 1
Bengal	1896	79,866	4 9 8	11,253	15,180	596	27,019	1 8 8	45,850	215	46,065	2 10 1
	1897	74,981	3 12 9	17,438	11,986	3,312	32,736	1 10 10	47,421	202	47,623	2 7 —
	1898	63,239	3 5 5	18,050	16,472	2,663	37,194	1 15 4	38,686	52	38,738	2 — 8
	1899	97,162	4 11 8	19,176	15,644	105	34,925	1 13 2	41,011	355	41,366	2 2 8
	1900	81,073	3 15 1	22,014	16,450	1,616	40,080	1 14 10	41,671	346	42,017	2 — 5
North-Western Provinces and Oudh.	1896	92,453	2 13 —	2,661	7,475	173	4,399	— 2 1	32,440	6,051	38,491	1 2 8
	1897	91,895	2 8 8	2,864	3,812	217	6,923	— 3 1	52,267	8,723	60,990	1 10 11
	1898	82,564	2 9 3	2,858	4,054	12	6,924	— 3 5	30,718	11,040	41,758	1 3 4
	1899	73,351	2 8 2	3,045	4,597	210	7,852	— 4 3	23,752	8,227	31,979	1 1 5
	1900	93,082	3 — 1	3,529	5,103	343	8,975	— 4 7	52,285	8,597	60,882	1 5 —
Panjab	1896	49,079	4 3 8	1,751	3,811	—	5,562	— 7 6	15,010	1,429	16,439	1 6 2
	1897	64,254	5 0 11	1,662	3,188	47	4,867	— 6 2	20,825	1,648	22,473	1 10 3
	1898	77,430	6 3 5	2,272	2,412	306	4,990	— 6 5	17,266	1,964	19,230	1 8 7
	1899	69,704	5 3 8	3,416	3,136	103	6,655	— 8 —	26,462	1,577	28,039	2 1 7
	1900	81,375	5 4 10	4,559	3,745	304	8,608	— 8 11	28,829	2,493	31,322	2 — 6
Burma	1896	35,209	2 7 1	1,739	1,003	684	3,431	— 3 9	27,312	14,385	41,697	2 14 2
	1897	27,550	2 — 11	2,961	1,016	1,806	5,783	— 6 11	30,356	7,774	38,130	2 13 5
	1898	26,075	2 1 9	1,903	771	70	2,749	— 3 6	23,414	4,552	27,966	2 3 4
	1899	28,928	2 5 —	2,585	1,003	1,372	4,960	— 6 4	22,366	3,750	26,116	2 1 4
	1900	35,829	2 13 11	1,864	795	280	2,939	— 3 9	20,900	4,777	25,677	2 — 10
Central Provinces	1896	22,920	4 1 7	1,658	3,268	362	5,288	— 15 1	5,356	759	6,115	1 1 1
	1897	31,640	4 4 6	1,575	7,530	657	9,762	1 5 1	8,034	330	8,964	1 3 5
	1898	19,041	3 15 9	2,425	5,427	394	8,046	1 9 6	4,991	207	5,198	1 — 5
	1899	19,413	5 1 6	2,170	6,985	711	9,866	2 6 2	3,470	278	3,748	— 14 6
	1900	25,373	4 14 8	2,209	4,375	2,604	9,188	1 9 11	7,023	310	7,333	1 4 8
Assam	1896	10,768	7 — 9	422	122	11	555	— 5 9	1,539	43	1,582	1 — 6
	1897	7,066	4 11 8	350	166	2	518	— 5 6	1,990	33	2,023	1 5 7
	1898	12,549	7 15 4	509	63	4	576	— 5 10	2,239	40	2,279	1 7 —
	1899	8,975	5 8 —	453	116	618	1,187	— 11 8	3,082	74	3,156	1 15 1
	1900	12,292	7 9 9	719	334	23	1,076	— 10 7	2,177	92	2,269	1 6 5
Coorg	1896	181	1 13 3	75	23	27	125	1 3 9	—	—	—	—
	1897	173	2 0 9	66	24	16	166	1 3 8	—	—	—	—
	1898	243	2 10 3	55	18	—	73	— 12 5	—	—	—	—
	1899	384	3 7 10	75	30	—	105	— 15 1	—	—	—	—
	1900	486	4 7 10	93	20	—	113	1 — 4	45	—	45	— 6 7
Hyderabad Assigned Districts.	1896	5,150	3 9 9	203	78	—	281	— 3 2	1,329	416	1,745	1 3 6
	1897	8,713	4 9 6	218	39	13	322	— 2 8	1,647	21	1,668	— 14 1
	1898	5,501	3 6 8	210	12	—	222	— 2 2	946	—	946	— 9 5
	1899	4,808	3 6 2	175	518	12	795	— 7 11	1,290	592	1,882	1 5 1
	1900	11,373	5 14 5	276	219	395	890	— 7 5	1,224	465	1,689	— 14 —
TOTAL	1896	345,299	3 5 9	27,911	35,105	2,343	65,359	— 10 2	1,65,374	26,634	1,92,008	1 13 9
	1897	354,743	3 2 8	36,432	38,502	16,909	91,843	— 13 1	2,79,638	22,768	2,42,406	2 2 6
	1898	352,406	3 5 7	38,527	43,335	7,904	89,766	— 13 7	1,70,843	23,781	1,94,624	1 13 6
	1899	347,349	3 6 1	41,353	48,724	6,577	96,654	— 15 —	1,68,678	21,184	1,89,862	1 13 5
	1900	426,527	3 10 9	46,735	54,469	13,524	1,14,728	— 15 9	2,03,693	23,882	2,27,575	1 15 2

AILS of BRITISH INDIA in the calendar years 1896 to 1900 (excluding the cost of BUILDING NEW
r REPAIRS)—continued.

9								10		PROVINCE AND YEAR.
CHARGES FOR OTHER MISCELLANEOUS SERVICES AND SUPPLIES.								TRAVELLING ALLOWANCES.		
A	B	C	D	E	F	G	H	A	B	
For lighting.	Disciplinary charges.	Annual expenses for uniform and accoutrements of warders.	Money payments as reward for recaptures and services.	Execution charges.	Other miscellaneous charges.	Total cost.	Cost per head of average strength.	Total cost.	Cost per head of average strength.	
34	35	36	37	38	39	40	41	42	43	
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs. A. P.	Rs.	Rs. A. P.	
7,321	598	5,141	2,612	107	1,959	17,738	1 13 7	1,838	— 3 1	1896
7,735	829	7,800	4,708	96	2,203	23,491	2 4 5	2,226	— 3 5	1897
7,347	888	7,571	2,370	117	2,306	20,599	1 14 1	3,676	— 5 5	1898
8,092	784	7,405	2,091	139	1,995	20,506	1 14 6	2,217	— 3 4	1899
8,877	924	11,775	2,320	125	2,559	26,580	2 1 2	2,737	— 3 5	1900
5,917	292	2,577	2,480	378	6,906	18,550	2 8 5	1,825	— 4 8	1896
6,074	406	3,456	5,222	397	6,240	22,395	2 6 5	1,578	— 2 9	1897
5,633	459	3,176	1,825	493	6,141	17,727	1 12 1	1,446	— 2 4	1898
5,419	467	3,371	3,391	507	6,887	20,042	1 13 6	1,450	— 2 2	1899
6,309	719	2,970	3,398	501	7,568	21,471	1 7 5	1,447	— 1 7	1900
14,458	2,083	19,072	974	611	26,052	65,050	3 11 6	6,350	— 5 10	1896
20,224	1,859	17,976	715	367	22,854	63,995	3 4 5	7,3 6	— 0 —	1897
20,120	2,375	20,217	1,208	1,149	22,302	67,431	3 8 10	7,265	— 6 1	1898
20,160	2,468	18,668	1,286	1,4 0	21,677	65,749	3 7 —	7,315	— 6 1	1899
22,381	2,976	21,880	1,372	1,289	23,838	73,736	3 6 9	6,726	— 5 2	1900
7,065	4,803	4,588	327	718	6,693	25,421	— 12 4	2,048	— 1 —	1896
8,654	6,471	6,251	469	1,251	7,300	30,408	— 13 5	2,194	— 1 —	1897
8,277	6,313	6,506	232	897	5,118	27,433	— 13 3	2,303	— 1 2	1898
9,071	7,483	6,268	253	901	3,980	27,956	— 15 3	2,389	— 1 3	1899
11,169	7,496	6,974	110	856	4,344	30,919	— 15 11	3,274	— 1 8	1900
6,746	2,376	9,311	1,735	867	16,583	37,618	3 2 9	2,858	— 3 2	1896
6,241	2,080	13,007	1,593	930	20,045	44,001	3 7 3	3,735	— 4 8	1897
5,603	2,325	18,762	1,837	847	15,721	45,005	3 9 8	3,431	— 4 4	1898
7,061	3,480	16,484	2,059	974	18,990	49,654	3 11 6	4,263	— 5 1	1899
10,519	4,225	21,331	2,917	1,405	26,090	66,487	4 5 1	4,309	— 4 6	1900
9,091	939	7,272	50	1,910	4,056	24,218	1 10 9	1,498	— 1 8	1896
8,803	1,401	7,060	500	1,632	4,376	23,772	1 12 4	1,823	— 2 2	1897
8,877	1,020	8,579	425	732	2,889	22,528	1 12 5	1,090	— 1 5	1898
7,809	1,006	8,356	...	739	2,881	20,701	1 10 6	1,056	— 2 1	1899
5,284	673	11,681	...	779	2,820	24,237	1 15 —	2,114	— 2 8	1900
5,025	430	5,085	883	27	5,164	16,614	2 10 2	1,854	— 5 3	1896
4,749	422	2,705	1,030	27	4,740	13,679	1 13 7	1,289	— 2 9	1897
4,940	353	3,276	696	55	4,808	14,134	2 12 9	1,821	— 5 9	1898
4,347	441	3,601	640	42	6,048	15,119	3 10 6	1,771	— 6 10	1899
5,372	920	4,234	945	46	6,102	17,619	3 1 8	1,382	— 3 11	1900
1,023	83	233	605	78	737	2,759	1 12 9	84	— — 10	1896
994	70	110	270	275	720	2,439	1 10 —	306	— 3 3	1897
1,056	110	133	305	72	761	2,437	1 8 7	157	— 1 7	1898
1,093	75	114	311	58	740	2,391	1 7 7	267	— 2 8	1899
1,409	104	1,039	205	280	790	3,827	2 5 10	327	— 3 3	1900
106	97	190	7	...	35	435	4 4 10	...	...	1896
77	84	221	4	...	30	419	4 13 11	...	...	1897
89	82	199	1	...	3	374	3 15 8	...	...	1898
103	80	377	1	...	6	605	5 7 6	...	...	1899
188	100	364	...	...	7	659	5 15 11	10	— 1 5	1900
648	89	1,785	71	7	316	2,916	2 — 7	12	— — 2	1896
732	90	1,006	48	15	506	2,397	1 4 2	6	— — 1	1897
635	93	956	74	9	519	2,286	1 6 8	64	— — 8	1898
736	139	1,928	16	...	840	3,659	2 9 1	77	— — 10	1899
1,207	306	1,408	48	2	1,428	4,399	2 4 6	49	— — 5	1900
59,200	11,790	56,154	9,744	4,733	69,701	2,11,322	2 — 9	17,867	— 2 9	1896
64,283	13,721	59,742	14,559	5,002	69,680	2,26,996	2 — 3	20,543	— 2 11	1897
62,583	14,024	60,465	9,031	4,371	60,568	2,20,044	2 1 4	21,253	— 3 3	1898
63,891	16,420	66,572	10,648	4,888	64,044	2,26,472	2 3 1	21,445	— 3 4	1899
75,715	18,443	83,662	11,315	5,283	75,546	2,69,964	2 5 1	22,375	— 3 1	1900
										TOTAL

No. 8—concluded.

EXPENDITURE in GUARDING and MAINTAINING the PRISONERS in the JAILS and SUBSIDIARY JAILS, of ADDITIONS, ALTERATIONS,

PROVINCE AND YEAR.		CONTINGENCIES.								EXTRAORDINARY CHARGES		
		A	B	C	D	E	F	G	H	A	B	C
		Rents, rates, and taxes.	Service postage.	Tele-gram and tele-phone charges.	Current offi. e expenses (includ- ing country station-ery).	Office furni- ture.	Charges for regis- ters and stationery (Stationery Depart- ment charges).	Total cost.	Cost per head of average strength.	Conser- vancy and water- supply dead- stock.	Dietary dead stock.	Hospital dead stock.
		44	45	46	47	48	49	50	51	52	53	54
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs. A. P.	Rs.	Rs.	Rs.
Madras ...	1896	4,076	1,732	150	428	323	647	7,956	— 13 3	547	615	125
	1897	3,576	1,845	478	287	215	673	7,074	— 11 0	1,872	1,130	209
	1898	4,062	2,090	276	405	278	1,149	8,260	— 12 1	4,612	2,409	154
	1899	4,884	1,935	256	492	406	645	8,618	— 12 10	1,567	1,677	185
	1900	4,336	2,035	266	353	232	698	7,920	— 9 11	2,513	2,853	404
Bombay ...	1896	648	1,955	259	1,052	367	717	4,978	— 11 6	663	1,307	68
	1897	576	2,133	388	727	173	916	4,913	— 8 5	612	1,821	125
	1898	707	2,083	326	898	102	988	5,104	— 8 1	914	876	242
	1899	1,085	2,129	140	772	73	999	5,198	— 7 8	590	1,542	72
	1900	936	2,515	176	894	84	1,020	4,675	— 6 2	728	1,942	152
Bengal ...	1896	25,458	5,032	1,161	297	724	8,670	41,342	2 5 10	8,564	5,786	648
	1897	25,502	5,276	1,222	324	1,162	10,947	44,433	2 4 4	14,785	7,078	1,378
	1898	26,544	5,207	1,072	650	693	9,884	44,050	2 5 2	4,330	8,338	1,154
	1899	30,287	4,720	1,246	370	779	9,759	47,161	2 7 5	4,074	6,213	637
	1900	27,997	5,080	1,537	407	884	9,730	45,635	2 2 8	6,694	7,424	747
North-Western Provinces and Oudh.	1896	3,003	2,876	285	916	331	9,330	16,741	— 8 1	295	2,581	1,487
	1897	705	3,096	1,828	766	352	6,724	13,171	— 5 11	162	1,711	2,397
	1898	777	2,974	447	783	504	17,785	23,270	— 11 7	253	2,085	2,547
	1899	742	3,074	883	853	500	16,508	22,622	— 12 4	47	822	412
	1900	631	3,564	1,012	629	627	18,450	24,913	— 12 9	550	832	222
Panjab ...	1896	492	3,336	720	1,761	578	1,306	8,193	— 11 1	546	1,090	546
	1897	460	3,383	910	2,198	602	1,203	8,846	— 11 1	184	1,023	123
	1898	389	3,805	679	4,248	548	1,035	10,704	— 13 8	914	1,020	522
	1899	354	4,211	890	5,040	833	1,810	13,153	— 15 9	1,601	2,431	529
	1900	272	4,610	1,076	4,578	698	2,870	14,164	— 14 8	1,100	2,299	1,195
Burma ...	1896	5,717	2,319	715	504	421	756	10,432	— 11 6	620	417	30
	1897	6,395	2,500	662	655	426	908	11,555	— 13 9	580	1,159	98
	1898	6,362	2,288	706	411	216	802	10,785	— 13 7	196	400	480
	1899	6,802	2,425	601	372	698	1,351	12,309	— 15 8	32	919	379
	1900	7,369	2,336	471	246	364	629	11,415	— 14 7	169	267	363
Central Provinces	1896	42	813	181	140	144	123	1,523	— 4 4	512	468	646
	1897	91	905	269	106	144	62	1,577	— 3 5	289	1,074	119
	1898	89	834	103	205	138	114	1,573	— 5 —	2,003	1,036	181
	1899	52	934	110	268	298	40	1,702	— 6 7	776	634	34
	1900	52	760	139	241	426	66	1,634	— 4 9	592	1,284	43
Assam ...	1896	1,699	307	78	22	42	286	2,431	1 9 5	...	32	6
	1897	1,207	201	83	34	54	859	2,528	1 11 —	556	413	105
	1898	1,709	288	85	35	120	1,322	3,559	2 3 9	102	174	194
	1899	1,315	295	105	17	188	1,764	(b) 3,714	2 4 7	502	100	23
	1900	1,709	322	70	18	394	330	(b) 2,843	1 12 1	210	249	72
Coorg ...	1896	122	65	1	7	11	...	(a) 259	2 9 —	...	33	...
	1897	86	78	9	6	4	...	(a) 241	2 12 10	...	...	...
	1898	86	74	5	4	...	...	(a) 219	2 5 3	...	9	...
	1899	86	86	8	9	...	...	(a) 238	2 — 7	...	42	...
	1900	87	63	8	5	...	...	(a) 205	1 12 3	...	61	...
Hyderabad Assigned Districts.	1896	7	319	11	47	170	658	1,212	— 13 6	51	172	...
	1897	9	335	95	43	34	726	1,242	— 10 6	79	84	60
	1898	7	292	19	44	35	1,203	1,600	— 15 10	...	154	96
	1899	9	281	24	56	143	600	1,113	— 12 6	330	116	...
	1900	10	302	31	54	42	673	1,112	— 9 3	380	115	...
TOTAL ...	1896	41,864	18,814	3,561	5,174	3,111	22,493	95,070	— 14 9	11,708	11,621	3,556
	1897	38,607	19,851	5,944	5,146	3,166	23,108	95,880	— 13 8	19,119	15,493	4,614
	1898	40,712	19,935	3,718	7,773	2,634	34,282	1,09,124	1 — 6	13,384	16,581	5,570
	1899	45,706	20,090	4,269	8,260	3,918	33,536	1,15,828	1 1 11	9,519	14,406	2,271
	1900	43,449	21,587	4,786	7,425	3,751	34,406	1,15,506	— 15 10	12,948	12,326	3,198

(a) Includes Rs. 53, Rs. 58, Rs. 50, Rs. 49 and Rs. 42 spent in 1896, 1897, 1898, 1899 and 1900 respectively, on account of salak lock-ups, the details of which are not given in the report.

(b) Includes Rs. 1,764, and Rs. 130 spent in 1899, 1900, respectively, on account of stationery.

AILS OF BRITISH INDIA in the calendar years 1896 to 1900 (excluding the cost of BUILDING NEW or REPAIRS)—concluded.

12

R LIVE-STOCK AND TOOLS AND PLANT LIKELY TO LAST FOR THREE YEARS AND UPWARDS

R LIVE-STOCK AND TOOLS AND PLANT LIKELY TO LAST FOR THREE YEARS AND UPWARDS											PROVINCE AND YEAR.
D	E	F	G	H	I	J	K	L	Grand total of expenditure.	Total cost per head of average strength.	
Garden and agricultural plant.	Lighting and dead stock.	Disciplinary dead stock.	Arms and accoutrements (original cost.)	Dairy live-stock and plant (excluding maintenance).	Draught cattle (excluding keep, which goes under 9 F).	Other miscellaneous dead stock.	Total cost.	Cost per head of average strength.			
55	56	57	58	59	60	61	62	63	64	65	
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs. A. P.	Rs.	Rs. A. P.	
218	118	546	12	199	—12	34	2,402	— 4 —	5,86,904	61 3 6	1896
88	418	1,788	6	273	353	3	6,120	— 9 6	7,14,431	69 2 10	1897
183	656	1,843	3	179	...	585	10,624	— 15 6	7,64,971	69 15 2	1898
12	408	2,304	21	187	263	130	6,754	— 10 1	6,99,695	65 1 8	1899
239	294	580	—10	421	—5	468	7,757	— 9 8	8,55,534	66 10 9	1900
40	123	1,938	173	...	...	80	4,392	— 8 8	5,47,095	70 15 11	1896
21	162	274	216	377	68	369	4,045	— 6 11	7,43,271	79 12 2	1897
68	83	876	207	256	64	240	3,826	— 6 1	6,64,035	65 13 —	1898
120	36	164	224	1,156	32	5,839	9,775	— 14 5	6,65,271	61 2 8	1899
136	151	1,639	147	—1	33	64	4,991	— 5 5	10,19,334	69 8 5	1900
238	577	1,724	535	1,768	483	1,978	22,301	1 4 5	13,57,740	77 3 4	1896
132	635	2,302	1,125	1,077	121	2,970	31,603	1 9 10	16,36,065	83 11 4	1897
193	616	2,638	700	1,217	137	3,823	23,151	1 3 6	14,64,647	77 2 11	1898
426	636	2,281	657	2,680	150	2,240	19,994	1 — 8	13,81,457	72 6 6	1899
210	750	1,708	328	1,768	39	2,157	21,825	1 — 9	14,98,261	72 2 9	1900
29	69	1,193	200	251	66	2,682	8,853	— 4 3	14,98,277 ^(a)	45 — 10	1896
40	163	1,563	279	134	151	955	7,355	— 3 3	19,15,192 ^(b)	52 13 2	1897
91	21	1,560	854	...	...	2,239	9,650	— 4 10	14,13,607 ^(c)	43 15 11	1898
17	17	2,347	1,350	60	197	705	5,074	— 3 3	12,38,522 ^(d)	42 3 8	1899
110	7	2,030	1,255	...	439	384	5,835	— 3 —	15,07,524 ^(e)	50 6 11	1900
190	183	1,682	13,884	884	627	1,956	21,588	1 13 1	8,16,758	68 14 —	1896
272	230	1,499	1,923	89	902	1,189	7,434	— 9 4	9,33,615	73 4 6	1897
92	372	3,305	211	179	697	6,090	13,402	1 1 2	8,10,732	64 12 10	1898
327	527	5,006	500	146	927	744	12,738	— 15 3	8,61,550	64 9 6	1899
269	1,022	5,809	92	169	429	3,041	15,431	1 — —	10,87,073	70 10 11	1900
12	122	1,911	54	107	44	48	3,365	— 3 9	9,49,744	65 10 10	1896
17	228	1,456	10	...	...	72	3,620	— 4 4	9,19,310	68 6 9	1897
40	78	774	120	200	...	6	2,383	— 3 —	8,24,871	65 1 0	1898
...	184	1,305	1,508	492	...	2,189	7,003	— 8 11	7,87,598	62 12 4	1899
...	58	1,037	1,357	170	...	6,549	9,970	— 12 9	7,92,738	63 5 4	1900
...	265	520	1,258	38	118	97	4,051	— 11 7	3,13,016	55 13 11	1896
38	390	603	1	95	123	17	2,750	— 5 11	4,67,508	83 2 8	1897
25	91	557	...	...	167	3	4,123	— 13 1	4,11,442	61 6 6	1898
63	110	774	161	1,770	327	145	4,800	1 2 7	3,13,651	75 14 5	1899
109	123	742	30	...	148	72	3,143	— 8 10	4,25,682	75 — 4	1900
72	50	157	...	...	55	35	347	— 3 7	84,725	55 3 11	1896
21	50	154	...	...	...	37	1,344	— 14 4	1,01,302	67 9 2	1897
29	125	215	...	...	160	49	1,048	— 10 7	1,18,653	74 15 3	1898
19	68	132	25	51	137	28	1,085	— 10 8	1,05,380	64 14 1	1899
80	140	241	...	...	148	581	1,721	1 1 —	1,20,413	74 5 8	1900
...	...	...	...	...	...	...	33	6 5 3	9,185	00 14 2	1896
...	...	...	30	...	...	...	30	— 5 7	8,067	104 2 9	1897
...	85	...	...	...	...	...	94	1 — —	9,888	105 3 1	1898
...	...	...	...	...	...	...	42	— 6 1	11,708	100 13 5	1899
...	...	...	...	...	...	...	61	— 8 9	14,581	125 11 1	1900
...	10	...	16	...	...	74	323	— 3 7	89,430	62 6 9	1896
...	19	62	34	...	...	8	346	— 2 11	1,37,619	72 7 10	1897
10	38	89	21	50	35	54	547	— 5 5	98,178	60 13 10	1898
...	187	264	9	...	90	18	1,014	— 11 5	91,712	64 — 6	1899
193	198	104	7	...	95	77	1,169	— 9 8	1,48,571	77 1 7	1900
739	1,517	9,680	16,132	3,247	1,381	6,084	67,655	— 10 6	62,45,874	60 8 6	1896
629	2,304	9,480	3,024	2,049	1,718	5,020	64,617	— 9 2	75,77,280	67 5 7	1897
736	2,165	11,857	2,125	2,081	1,260	13,080	68,848	— 10 5	65,81,024	62 4 6	1898
984	2,179	14,577	4,455	6,542	2,123	12,038	69,184	— 10 9	61,58,246	59 10 5	1899
346	2,743	13,890	3,206	2,527	1,326	13,393	71,993	— 9 10	75,29,711	64 9 3	1900
											TOTAL

(a)	Includes Rs. 581 realised from Native States and Rs. 2,823 on account of the purchase of tents (Rs. 1,650) and cost of mounted police over four central jails (Rs. 1,173).
(b)	" Rs. 1,561, " " " " Rs. 1,511, " " " " (Rs. 600) " " " " (Rs. 653).
(c)	" " " " " " " " Rs. 304, the cost of mounted police over the Benares Central Jail.
(d)	" " " " " " " " Rs. 600 on account of the purchase of tents, and Rs. 394, cost of mounted police over the Benares Central Jail.
(e)	" " " " " " " " Rs. 1,015, " " " " " " " " Rs. 2,000 on account of the purchase of tents, and Rs. 304, cost of mounted police over the Benares Central.

No. 9.

NET cost of PRISONERS in the JAILS and SUBSIDIARY JAILS

1						2	3			4	
PROVINCE AND YEAR.						Total cost of maintenance column 64, table 8).	Average cost of maintenance per head (column 65, table 8).			Total cash earnings.	
						Rs.	Rs.	A. P.	Rs.		
Madras	{	1896	5,86,904	61	3	6	1,56,661
						1897	7,14,431	69	2	10	41,418
						1898	7,64,971	69	15	2	1,87,659
						1899	6,99,695	65	2	—	1,15,476
						1900	8,55,534	66	10	9	1,39,356
Bombay	{	1896	5,47,095	70	15	11	98,228
						1897	7,43,271	79	12	2	61,753
						1898	6,64,035	65	13	—	81,315
						1899	6,65,271	61	3	—	1,04,297
						1900	10,19,334	69	8	5	62,622
Bengal	{	1896	13,50,740	77	3	4	1,89,903
						1897	16,36,065	83	11	4	1,99,343
						1898	14,64,647	77	2	11	3,78,320
						1899	13,83,157	72	6	—	4,55,932
						1900	14,98,201	72	2	9	2,79,250
North-Western Provinces and Oudh	{	1896	(a) 14,98,277	45	6	10	1,54,894
						1897	(b) 19,15,192	52	13	2	1,46,030
						1898	(c) 14,13,607	43	15	11	1,78,109
						1899	(d) 12,38,522	42	4	—	1,78,000
						1900	(e) 15,67,524	50	6	11	2,02,591
Panjab	{	1896	8,16,758	68	14	—	1,27,281
						1897	9,33,615	73	4	6	73,919
						1898	8,10,732	61	12	10	91,581
						1899	8,61,556	64	10	—	1,19,882
						1900	10,87,073	70	10	11	1,33,101
Burma	{	1896	9,49,744	65	10	10	4,45,487
						1897	9,19,310	68	6	9	4,58,131
						1898	8,24,871	65	1	6	2,18,884
						1899	7,87,508	62	12	—	1,93,745
						1900	7,92,738	63	5	4	1,94,577
Central Provinces	{	1896	3,13,016	55	13	11	1,17,160
						1897	4,67,508	63	2	8	51,729
						1898	4,11,442	81	6	6	71,416
						1899	3,13,651	75	14	—	90,229
						1900	4,25,682	75	—	4	1,85,569
Assam	{	1896	84,725	55	3	11	30,570
						1897	1,01,302	67	9	2	28,201
						1898	1,18,653	74	15	3	29,195
						1899	1,05,386	64	14	—	34,239
						1900	1,20,413	74	5	8	24,819
Coorg	{	1896	9,185	92	14	2	9,563
						1897	8,967	104	2	9	7,335
						1898	9,888	105	3	1	6,120
						1899	11,798	103	4	7	7,753
						1900	14,581	125	11	1	7,365
Hyderabad Assigned Districts	{	1896	89,430	62	6	9	19,906
						1897	1,37,619	72	7	10	26,036
						1898	98,178	60	13	10	52,856
						1899	91,312	64	—	6	31,583
						1900	1,48,571	77	1	7	30,470
TOTAL						1896	62,45,874	60	8	6	13,42,653
						1897	75,77,280	67	5	7	10,93,954
						1898	65,81,024	62	4	6	12,95,455
						1899	61,58,246	59	10	5	13,40,826
						1900	75,29,711	64	9	3	12,69,780

BRITISH INDIA in the calendar years 1896 to 1900.

5	6	7	PROVINCE AND YEAR.
Average cash earnings per head of average strength.	Net cost to Government (column 2, minus column 4).	Average net cost per head of average strength (column 3, minus column 5).	
Rs. A. P.	Rs.	Rs. A. P.	
16 5 5	4,30,243	44 14 1	1896
4 — 2	6,73,013	65 2 8	1897
17 8 7	5,77,312	52 12 7	1898
10 12 —	5,84,219	54 6 —	1899
10 14 —	7,16,178	55 13 —	1900
			Madras
12 1 3	4,48,867	58 14 8	1896
6 10 —	6,81,518	73 2 2	1897
8 — 11	5,82,720	52 12 1	1898
9 9 —	5,60,974	51 10 —	1899
4 4 —	9,56,712	65 4 5	1900
			Bombay
10 13 8	11,60,837	66 5 8	1896
10 3 2	14,36,722	73 5 2	1897
19 15 —	10,86,327	57 3 11	1898
23 14 —	9,27,525	48 8 —	1899
13 15 —	12,09,011	58 4 —	1900
			Bengal
4 11 2	13,13,383	40 11 8	1896
4 — 5	17,09,153	48 12 9	1897
5 8 8	12,35,498	38 7 3	1898
6 8 —	10,59,832	35 12 —	1899
6 8 3	13,64,933	43 14 8	1900
			North-Western Provinces and Oudh
10 11 9	6,89,477	58 2 3	1896
5 12 10	8,59,696	67 7 8	1897
7 5 2	7,19,151	57 7 8	1898
9 — —	7,41,674	55 10 —	1899
8 10 —	9,53,912	62 — 11	1900
			Panjab
30 12 11	5,24,257	34 13 11	1896
34 1 7	4,61,129	34 5 2	1897
17 4 4	6,05,987	47 13 2	1898
15 7 —	5,93,853	47 5 —	1899
15 9 —	5,98,161	47 12 4	1900
			Burma
20 14 7	1,95,856	34 15 4	1896
6 15 10	4,15,779	56 2 10	1897
14 2 1	3,40,026	67 4 5	1898
24 — —	2,14,422	51 14 —	1899
32 11 —	2,40,113	42 5 4	1900
			Central Provinces
19 14 11	54,155	35 5 —	1896
18 13 —	73,101	48 12 2	1897
18 7 1	89,458	56 8 2	1898
21 1 —	71,147	43 13 —	1899
15 5 —	95,594	59 — 8	1900
			Assam
94 10 —	—378	—3 11 10	1896
85 3 5	1,632	18 15 4	1897
65 1 9	3,768	40 1 4	1898
70 2 7	4,045	33 2 —	1899
67 1 2	7,216	58 9 11	1900
9 — 2			Cooch
	76,524	53 6 7	1896
13 11 5	1,11,583	58 12 5	1897
32 12 8	45,322	28 1 7	1898
22 2 4	59,729	41 14 2	1899
15 13 —	1,18,101	61 4 7	1900
			Hyderabad Assigned Districts
13 — 2	49,03,221	47 8 4	1896
9 11 7	64,83,326	57 10 —	1897
12 4 2	52,85,569	50 — 4	1898
12 15 10	48,17,420	46 10 7	1899
10 14 2	62,59,931	53 11 1	1900
			TOTAL

No. 10.

SICKNESS and MORTALITY among PRISONERS of ALL CLASSES in the JAILS

1				2			3		
PROVINCE AND YEAR.				Number of prisoners that can be accommodated in the parts of the jails devoted to convicts, under trials, and civil prisoners, respectively, but exclusive of hospital and observation cells.			Daily average strength.		
				M.	F.	Total.	M.	F.	Total.
Madras	...	...	1896	12,833	2,108	15,940	9,334	253	9,587
			1897	13,576	2,105	15,681	10,079	240	10,328
			1898	13,746	2,171	15,917	10,640	296	10,936
			1899	13,860	2,135	15,995	10,479	268	10,747
			1900	13,761	2,169	15,930	12,526	306	12,832
Bombay	...	...	1896	9,389	2,132	11,521	8,000	248	(a)8,248
			1897	9,369	2,132	11,501	9,143	238	(a)9,381
			1898	9,401	2,166	11,567	9,909	258	(a)10,167
			1899	9,486	2,147	11,633	10,671	278	(a)10,949
			1900	9,354	2,140	11,494	14,304	421	(a)14,725
Bengal	...	...	1896	19,920	1,077	20,997	(b)17,030	465	(b)17,495
			1897	19,892	1,091	20,983	(b)19,067	(b)478	(b)19,545
			1898	20,040	1,103	21,143	(b)18,505	(b)471	(b)18,976
			1899	20,378	1,094	21,472	(b)18,632	(b)474	(b)19,106
			1900	19,906	1,107	21,013	(b)20,234	(b)515	(b)20,749
North-Western Provinces and Oudh			1896	30,095	1,927	32,022	31,602	1,381	32,983
			1897	30,546	2,021	32,567	34,830	1,427	36,257
			1898	29,119	2,022	31,141	30,971	1,162	32,133
			1899	29,089	2,002	31,091	28,313	992	29,305
			1900	29,139	1,897	31,036	30,013	1,067	31,080
Panjab (c)	...	...	1896	13,756	816	14,572	11,543	315	11,858
			1897	13,786	803	14,589	12,465	275	12,740
			1898	12,506	799	13,305	12,226	285	12,511
			1899	13,959	787	14,746	13,029	330	13,359
			1900	14,103	791	14,894	15,029	376	15,405
Burma	...	...	1896	13,849	386	14,235	14,311	150	14,461
			1897	13,864	384	14,248	13,310	126	13,436
			1898	14,138	379	14,517	12,539	133	12,672
			1899	13,913	375	14,288	12,416	131	12,547
			1900	13,558	368	13,926	12,388	129	12,517
Central Provinces	...	...	1896	4,904	519	5,423	5,244	358	5,602
			1897	4,995	519	5,514	7,016	385	7,401
			1898	4,944	504	5,448	4,831	223	5,054
			1899	4,939	503	5,442	3,933	199	4,132
			1900	4,931	503	5,434	5,382	292	5,674
Assam	...	...	1896	1,918	185	2,103	1,490	43	1,533
			1897	1,708	128	1,836	1,470	29	1,499
			1898	1,766	177	1,943	1,553	30	1,583
			1899	1,783	177	1,960	1,591	33	1,624
			1900	1,694	180	1,874	1,589	30	1,619
Coorg (c)	...	...	1896	136	20	156	92	4	96
			1897	136	20	156	78	1	79
			1898	136	20	156	85	2	87
			1899	136	20	156	107	3	110
			1900	136	20	156	108	2	110
Hyderabad Assigned Districts			1896	1,345	113	1,458	1,382	51	1,433
			1897	1,345	113	1,458	1,851	47	1,898
			1898	1,325	113	1,438	1,564	49	1,613
			1899	1,325	113	1,438	1,375	51	1,426
			1900	1,342	113	1,455	1,870	57	1,927
TOTAL	...		1896	109,145	9,282	118,427	100,028	3,268	103,296
			1897	109,197	9,316	118,513	109,309	3,255	112,564
			1898	107,121	9,454	116,575	102,823	2,909	105,732
			1899	108,868	9,353	118,221	100,546	2,759	103,305
			1900	107,924	9,288	117,212	113,443	3,195	116,638

and *SUBSIDIARY FAILS of BRITISH INDIA in the calendar years 1896 to 1900.*

4			5			6			PROVINCE AND YEAR.	
Maximum population on any one day.			Number admitted into hospital.			Daily average number sick.				
M.	F.	Total.	M.	F.	Total.	M.	F.	Total.		
9,836	267	10,103	5,423	162	5,585	236	8	244	1896	Madras
10,769	238	11,007	6,755	181	6,939	302	10	312	1897	
9,979	329	10,308	6,133	192	6,325	283	11	294	1898	
11,037	269	11,306	4,262	160	4,422	228	7	235	1899	
13,133	298	13,431	5,125	161	5,286	279	10	289	1900	
12,655	482	13,137	6,941	160	7,101	260	5	265	1896	Bombay
16,529	750	17,279	7,397	169	4,566	238	4	242	1897	
16,760	570	17,330	7,542	147	7,689	267	6	273	1898	
18,709	655	19,364	6,430	131	6,561	264	6	270	1899	
24,684	1,007	25,691	11,290	161	11,451	362	5	367	1900	
23,607	1,119	24,726	19,828	360	20,188	665	14	679	1896	Bengal
35,597	1,220	36,817	20,833	327	21,162	685	10	695	1897	
24,528	1,093	25,621	19,291	382	19,673	630	14	644	1898	
25,025	1,085	26,110	19,394	368	19,762	641	14	655	1899	
26,795	1,148	27,943	23,929	401	24,330	790	16	806	1900	
37,981	2,002	39,983	28,414	1,175	29,589	1,607	82	1,689	1896	North-Western Provinces and Oudh
42,967	1,928	44,895	35,419	1,514	36,933	1,725	90	1,815	1897	
36,913	1,545	38,458	28,539	1,041	29,580	1,435	68	1,503	1898	
33,515	1,453	34,968	22,359	847	23,206	1,059	50	1,109	1899	
36,155	1,546	37,701	22,980	765	23,745	1,074	41	1,115	1900	
14,607	385	14,992	14,317	354	14,671	359	7	366	1896	Panjab
16,241	364	16,607	16,679	397	17,076	387	7	394	1897	
15,279	357	15,636	16,732	448	17,180	450	11	461	1898	
17,037	397	17,434	14,476	315	14,791	434	7	441	1899	
19,064	456	19,520	18,725	356	19,081	567	12	579	1900	
16,805	176	16,981	10,906	73	10,979	505	3	508	1896	Burma
15,549	181	15,730	7,044	61	8,005	379	2	381	1897	
13,939	158	14,097	7,769	81	7,850	397	3	400	1898	
13,905	153	14,058	7,260	63	7,323	330	3	333	1899	
13,804	161	13,965	6,898	54	6,952	343	3	346	1900	
7,098	559	7,657	5,731	479	6,210	209	17	226	1896	Central Provinces
9,031	540	9,571	8,647	475	9,122	451	27	478	1897	
6,076	303	6,379	5,471	260	5,731	250	10	260	1898	
5,161	287	5,448	3,243	196	3,439	103	7	110	1899	
7,203	425	7,628	5,055	247	5,302	159	9	168	1900	
2,267	154	2,421	1,695	35	1,730	77	1	78	1896	Assam
2,199	133	2,332	1,841	41	1,882	76	1	77	1897	
2,286	121	2,407	1,833	44	1,877	84	2	86	1898	
2,530	121	2,651	1,550	45	1,595	68	2	70	1899	
2,408	138	2,546	1,298	25	1,323	56	1	57	1900	
109	6	115	98	2	100	3	...	3	1896	Coorg
105	...	105	98	...	38	1	...	1	1897	
109	1	110	76	...	76	2	...	2	1898	
129	1	130	87	3	90	3	...	3	1899	
163	1	164	69	...	69	3	...	3	1900	
1,772	82	1,854	811	40	851	25	1	26	1896	Hyderabad Assigned Districts
2,386	85	2,471	1,010	35	1,045	29	1	30	1897	
1,957	83	2,040	613	24	937	25	1	26	1898	
2,196	100	2,296	611	23	634	17	1	18	1899	
2,421	66	2,487	1,750	67	1,817	50	2	52	1900	
126,737	5,232	131,969	94,164	2,840	97,004	3,946	138	4,084	1896	Total
151,375	5,439	156,814	106,595	3,200	109,795	4,273	152	4,425	1897	
127,726	4,660	132,386	94,299	2,619	96,918	3,823	126	3,949	1898	
129,244	4,521	133,765	79,672	2,151	81,823	3,147	97	3,244	1899	
145,890	5,246	151,136	97,119	2,237	99,356	3,683	99	3,782	1900	

No. 10—continued.

SICKNESS and MORTALITY among PRISONERS of ALL CLASSES in the FAIR.

I		7			RATIO PER		
PROVINCE AND YEAR.		Number of deaths in and out of hospital.			A.		
					Of admissions into hospital.		
					M.	F.	Total.	M.	F.	Total.
Madras ...	1896	182	5	187	581'02	640'32	582'58
	1897	478	12	490	670'2	728'17	671'59
	1898	281	6	287	576'4	648'6	578'4
	1899	173	9	182	406'72	595'77	411'45
	1900	321	5	326	409'14	526'51	411'93
Bombay ...	1896	257	6	263	860'72	645'16	860'93
	1897	325	6	331	809'03	710'08	806'52
	1898	211	5	216	761'1	569'8	756'3
	1899	270	6	276	602'6	471'2	599'2
	1900	804	32	836	789'3	382'4	777'7
Bengal ...	1896	492	9	501	1,164'27	774'73	1,153'87
	1897	667	17	684	1,052'71	684'57	1,082'73
	1898	417	10	427	1,042'4	811	1,036'7
	1899	432	16	448	1,040'9	776'1	1,034'3
	1900	816	21	837	1,182'6	777'8	1,172'5
North-Western Provinces and Oudh.	1896	906	45	951	899'11	851'03	897'1
	1897	1,225	61	1,286	1,017'77	1,060'97	1,019'47
	1898	881	42	923	921'4	895'9	920'5
	1899	624	28	652	789'7	853'8	791'8
	1900	657	30	687	765'6	716'9	763'9
Panjab ...	1896	177	9	186	1,240'32	1,123'81	1,237'22
	1897	202	6	208	1,338'97	2,443'64	1,340'35
	1898	286	8	294	1,368'6	1,571'9	1,373'2
	1899	246	5	251	1,111	955	1,107
	1900	351	12	363	1,245'92	946'81	1,238'62
Burma ...	1896	260	3	263	762'07	486'67	759'21
	1897	318	5	323	596'84	484'12	559'57
	1898	258	3	261	619'6	609	619'5
	1899	235	...	235	584'73	480'92	583'65
	1900	262	3	265	5,6'83	418'6	555'4
Central Provinces ...	1896	377	27	404	1,092'83	1,336'53	1,108'42
	1897	954	45	999	1,232'4	1,234'47	1,232'51
	1898	172	3	175	1,132'5	1,165'9	1,134
	1899	96	7	103	824'56	984'92	832'28
	1900	374	18	392	939'24	845'89	934'44
Assam ...	1896	76	2	78	1,137'28	811'12	1,128'1
	1897	68	5	73	1,252'35	1,409'42	1,155'39
	1898	57	1	58	1,180'3	1,466'7	1,185'7
	1899	77	1	78	974'23	1,363'63	982'14
	1900	36	1	37	816'87	833'33	817'17
Coorg ...	1896	2	...	2	1,070'1	458'71	1,042'31
	1897	2	...	2	487'87	...	479'07
	1898	8	...	8	894'1	...	873'6
	1899	14	...	14	808'62	1,034'48	814'55
	1900	6	...	6	638'53	...	628'47
Hyderabad Assigned Districts ...	1896	36	...	36	586'2	790'83	594'01
	1897	64	2	66	545'7	737'62	550'5
	1898	24	...	24	583'8	489'7	580'9
	1899	19	...	19	444'36	450'98	444'62
	1900	152	2	154	935'83	1,175'44	942'92
TOTAL ...	1896	2,765	106	2,871	941'37	869'08	939'08
	1897	4,303	159	4,462	975'17	983'11	975'4
	1898	2,595	78	2,673	917'1	900'3	916'6
	1899	2,186	72	2,258	792'39	779'63	792'05
	1900	3,779	124	3,903	856'1	700'16	851'83

SUBSIDIARY TABLES of BRITISH INDIA in the calendar years 1896 to 1900—continued.

8

MILLE OF AVERAGE STRENGTH.

B			C			D			PROVINCE AND YEAR.
Of daily average number sick.			Of deaths from all causes except cholera.			Of deaths from all causes both in and out of hospital.			
M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	
25'33	29'88	25'45	18'86	19'76	18'88	19'5	19'76	19'51	1896
30	39'75	30'24	24'51	28'16	24'59	47'43	48'28	47'45	1897
26'6	37'2	26'9	25'7	16'9	25'4	26'4	20'3	26'2	1898
21'72	28'3	21'89	15'65	26'06	15'91	16'51	33'51	16'93	1899
22'3	31'88	22'52	21'24	16'35	21'12	25'63	16'35	25'4	1900
32'44	21'77	32'12	28'2	24'2	28'1	32'12	24'19	31'89	1896
26'02	18'91	25'84	29'9	25'2	29'7	35'55	25'21	35'28	1897
26'9	23'2	26'9	21'3	19'4	21'3	21'3	19'4	21'3	1898
24'8	22'3	24'7	24'6	21'6	24'4	25'3	21'6	25'2	1899
25'3	11'9	24'9	45'9	73'6	46'7	56'2	76'	56'8	1900
39'06	29'59	38'81	25'1	17'2	24'9	28'69	19'37	25'78	1896
35'91	21'12	25'55	31'2	33'4	31'3	34'98	35'59	34'4	1897
34'	29'7	33'9	22'4	19'1	22'4	22'5	21'2	22'5	1898
34'4	28'9	34'2	22'9	33'7	23'2	23'1	33'7	23'4	1899
39'	30'6	38'8	35'6	31'	35'5	40'3	40'7	40'3	1900
50'83	59'2	51'2	28'35	28'25	28'34	28'67	32'58	28'83	1896
49'5	63'25	50'05	33'8	42'7	34'2	32'3	42'75	35'47	1897
46'3	58'5	46'8	28'4	36'1	28'7	28'4	36'1	28'7	1898
37'3	50'6	37'8	22'	28'2	22'2	22'	28'2	22'2	1899
35'7	38'3	35'8	21'6	28'1	21'8	21'8	28'1	22'1	1900
31'1	22'22	30'86	15'33	28'57	15'69	15'33	28'37	15'68	1896
31'04	25'82	30'9	16'21	21'82	16'33	16'21	21'82	16'3	1897
36'8	38'6	36'8	23'4	28'1	23'5	23'4	28'1	23'5	1898
33'	21'	33'	18'88	15'15	18'79	18'88	15'15	18'79	1899
37'72	31'91	37'58	22'56	29'26	22'72	28'35	31'91	23'56	1900
35'29	20'	35'13	17'61	20'13	17'63	18'17	20	18'19	1896
18'47	15'87	28'36	18'71	39'76	18'91	23'89	39'68	24'04	1897
11'6	22'6	31'6	20'3	22'5	20'4	20'6	22'5	20'6	1898
16'58	22'90	26'54	16'91	...	16'74	18'93	...	18'73	1899
17'69	23'26	27'72	19'53	23'26	19'57	21'15	23'26	21'17	1900
9	48'69	40'51	(a)	(a)	(a)	71'89	75'34	72'11	1896
11	70'4	64'53	(a)	(a)	(a)	135'97	116'95	134'98	1897
17	44'8	51'4	(a)	(a)	(a)	35'6	13'5	34'6	1898
6'19	35'18	26'02	(a)	(a)	(a)	24'41	35'18	24'93	1899
9'54	30'82	29'61	(a)	(a)	(a)	69'49	61'64	69'09	1900
1'82	21'32	50'97	(a)	(a)	(a)	50'99	46'35	50'86	1896
1'41	50'53	51'39	(a)	(a)	(a)	46'26	171'88	48'69	1897
4'1	66'7	54'3	(a)	(a)	(a)	36'7	33'3	36'6	1898
2'74	60'6	43'1	(a)	(a)	(a)	48'39	30'3	48'03	1899
5'24	33'33	35'26	(a)	(a)	(a)	22'66	33'33	22'85	1900
1'67	11'47	30'75	22'84	...	20'85	21'84	...	20'85	1896
1'43	...	11'21	25'54	...	25'21	25'68	...	25'21	1897
3'5	...	23'	94'1	...	92'	94'1	...	92'	1898
1'09	31'03	29'14	130'12	...	126'71	130'12	...	126'71	1899
1'43	...	24'05	55'52	...	54'65	55'52	...	54'65	1900
1'21	19'57	18'26	(a)	(a)	(a)	26'04	...	23'13	1896
1'9	22'76	16'07	(a)	(a)	(a)	34'58	42'15	34'77	1897
1'36	20'4	16'1	(a)	(a)	(a)	15'3	...	14'9	1898
1'74	19'61	12'64	(a)	(a)	(a)	13'82	...	13'82	1899
...	35'09	26'99	(a)	(a)	(a)	81'23	35'09	79'92	1900
1'44	42'18	39'54	...	...	...	27'64	32'44	27'79	1896
1'08	47'12	39'31	...	...	...	39'31	48'85	39'64	1897
2	43'3	37'8	...	...	...	25'2	26'8	25'3	1898
3	35'16	31'4	...	...	...	21'74	26'1	21'86	1899
47	30'99	32'43	...	...	...	33'31	38'81	33'46	1900

(a) Figures not available.

No. II.

CONDITION of the PRISONERS DISCHARGED from the JAIL.

1		2	3	4				
PROVINCE AND YEAR		Number discharged during the year.	Number who had neither lost nor gained weight in jail.	NUMBER WHO HAD GAINED WEIGHT.				
				A	B	C	D	Total.
				Up to 1 lb.	From 1 to 5 lbs.	From 5 to 10 lbs.	Over 10 lbs.	
Madras ...	1896	(a) 14,218	2,587	1,034	3,520	2,072	1,060	7,686
	1897	(b) 17,063	3,380	1,305	4,246	2,686	1,217	9,454
	1898	(c) 19,008	3,394	2,014	4,785	2,823	1,223	10,845
	1899	17,327	3,100	1,842	4,273	2,952	1,402	10,469
	1900	(d) 19,119	3,976	1,631	5,065	3,390	1,517	11,603
Bombay ...	1896	14,730	2,355	1,640	3,804	1,713	799	7,956
	1897	18,035	2,802	2,296	4,844	2,794	1,469	11,403
	1898	16,301	3,296	1,630	4,237	2,573	1,032	10,072
	1899	17,444	4,286	1,700	4,040	2,198	1,359	9,297
	1900	25,865	4,510	3,036	7,442	3,837	2,231	16,546
Bengal ...	1896	38,602	9,436	5,550	9,952	4,957	2,281	22,740
	1897	47,469	11,103	6,215	12,709	6,801	3,613	29,428
	1898	40,520	9,824	5,605	10,293	5,460	3,048	24,406
	1899	39,242	9,238	6,314	10,039	5,038	2,464	23,855
	1900	41,721	9,554	6,708	10,222	5,660	2,702	25,292
North-Western Provinces and Oudh	1896	58,712	10,567	7,844	15,799	8,587	4,853	37,083
	1897	72,794	11,779	10,528	19,745	11,452	7,472	49,497
	1898	50,312	8,254	7,169	12,454	8,736	6,071	34,430
	1899	44,199	8,331	5,782	11,284	7,484	4,193	28,743
	1900	50,630	9,473	6,599	14,679	8,625	4,538	34,441
Panjab ...	1896	21,233	6,039	3,142	5,274	2,177	988	11,581
	1897	28,253	6,761	3,791	5,601	2,205	1,122	12,719
	1898	20,875	6,400	2,968	5,085	1,963	937	10,953
	1899	21,440	6,559	3,396	5,204	1,891	902	11,393
	1900	24,084	7,243	4,111	6,085	1,888	612	12,696
Burma ...	1896	(d) 23,135	3,379	2,857	4,840	2,480	1,541	11,718
	1897	(e) 23,266	3,732	3,129	4,745	2,220	1,409	11,502
	1898	(f) 20,370	3,569	2,241	4,592	2,204	1,245	10,282
	1899	(g) 19,753	4,550	2,671	4,416	2,100	1,248	10,435
	1900	19,951	4,799	2,477	4,434	2,218	1,311	10,440
Central Provinces ...	1896	(h) 11,838	864	870	2,516	1,743	1,266	6,395
	1897	11,716	731	1,202	3,894	2,577	1,974	9,647
	1898	7,108	464	540	1,862	1,608	1,925	5,935
	1899	5,639	503	529	1,794	1,223	962	4,505
	1900	8,409	789	666	2,452	1,829	1,906	6,142
Assam ...	1896	2,811	755	479	611	165	75	1,330
	1897	3,006	746	565	703	308	141	1,717
	1898	3,009	930	522	665	339	154	1,680
	1899	3,040	763	352	806	391	222	1,771
	1900	2,583	562	313	739	322	182	1,556
Coorg ...	1896	159	7	18	46	30	5	124
	1897	(i) 185	14	13	71	25	15	129
	1898	226	17	10	73	28	18	129
	1899	(j) 208	23	17	28	29	22	96
	1900	(p) 187	11	11	62	32	18	123
Hyderabad Assigned Districts ...	1896	(k) 2,716	351	291	850	452	221	1,814
	1897	(l) 4,066	447	428	1,227	794	481	2,930
	1898	(m) 2,686	312	194	751	508	496	1,957
	1899	(n) 2,209	325	209	739	416	264	1,753
	1900	(q) 3,673	432	296	1,086	768	519	2,101
TOTAL ...	1896	188,244	36,280	23,725	47,212	24,376	13,089	108,427
	1897	220,853	41,495	29,472	57,784	31,952	18,913	138,124
	1898	180,415	36,460	22,893	44,797	26,242	16,749	110,688
	1899	170,501	7,678	22,812	42,623	23,722	13,038	102,195
	1900	196,222	41,349	25,848	52,266	28,569	15,536	122,219

- (a) Includes 3 under-trials released by courts and who were not weighed.
 (b) " 2 convicts who were bed-ridden and therefore not weighed.
 (c) " 4 convicts, 2 of whom were bed-ridden and 2 of whom were released on medical grounds, not weighed.
 (d) " 3,720 under-trials released by courts and who were not weighed.
 (e) " 3,071 " " " " " "
 (f) " 1,567 " " " " " "
 (g) " 101 " " " " " "
 (h) " 3,840 " " " " " "
 (i) " 3 who died and were not weighed.
 (j) " 13 " " " " " "
 (k) " 35 Prisoners who died and were not weighed and also 3 who were not weighed, no reason being given.
 (l) " 69 " " " " and also 8 " " " "
 (m) " 31 " " " and 1 who escaped and who were not weighed. " " " "
 (n) " 17 " " " and 1 " " " "
 (o) " 2 convicts released on medical grounds. " " " "

OF BRITISH INDIA in the calendar years 1896 to 1900.

5 •					PROVINCE AND YEAR.
NUMBER WHO HAD LOST WEIGHT					
A	B	C	D	Total.	
Up to 1 lb.	From 1 to 5 lbs.	From 5 to 10 lbs.	Ove- 10 lbs.		
712	2,161	810	250	3,942	1896
850	2,168	942	267	4,227	1897
1,397	2,379	830	259	4,765	1898
853	2,069	606	170	3,758	1899
799	1,941	624	183	3,538	1900
1,222	1,958	811	428	4,419	1896
1,183	1,750	651	246	3,830	1897
710	1,426	572	225	2,933	1898
919	1,843	737	362	3,861	1899
1,172	2,303	967	367	4,809	1900
2,375	2,995	990	236	6,516	1896
2,476	3,153	1,023	286	6,938	1897
2,481	2,729	834	246	6,290	1898
2,465	2,544	840	300	6,149	1899
2,547	2,969	1,034	325	6,875	1900
4,054	4,634	1,831	603	11,122	1896
4,204	4,744	2,092	778	11,818	1897
2,481	3,262	1,378	507	7,628	1898
2,239	3,237	1,171	478	7,125	1899
1,916	3,251	1,078	471	6,716	1900
1,169	1,703	561	180	3,613	1896
1,306	1,722	548	198	3,773	1897
1,096	1,695	524	207	3,522	1898
1,126	1,624	573	165	3,488	1899
1,612	1,817	547	169	4,145	1900
1,191	2,011	768	348	4,318	1896
1,318	2,140	904	399	4,761	1897
1,291	2,348	873	440	4,952	1898
1,228	2,203	902	334	4,667	1899
1,373	2,158	863	318	4,712	1900
172	337	162	59	730	1896
304	707	227	100	1,338	1897
121	414	129	45	709	1898
136	343	108	41	628	1899
182	349	154	82	767	1900
283	336	77	30	726	1896
222	217	78	26	543	1897
162	168	50	19	399	1898
137	252	83	34	506	1899
117	235	76	37	465	1900
12	19	15	7	53	1896
7	21	12	5	45	1897
9	43	5	15	72	1898
10	29	17	21	77	1899
5	27	12	3	47	1900
149	245	88	34	516	1896
105	307	99	49	620	1897
120	196	73	14	403	1898
68	123	35	12	238	1899
89	202	82	49	422	1900
11,339	16,319	6,122	2,175	35,955	1896
12,034	16,929	6,576	2,354	37,983	1897
9,768	14,660	5,268	1,977	31,673	1898
9,181	14,267	5,132	1,917	30,497	1899
9,803	15,252	5,437	2,004	32,496	1900
					TOTAL

No. 12.

WORKING of the MARK SYSTEM in the FAILS and SUBSIDIARY

1		2	3							
PROVINCE AND YEAR.		Number released during the year who came under the mark system, but failed to gain remission.	NUMBER OF CONVICTS RELEASED DURING THE YEAR WHO GAINED MARK SYSTEM.							
			SENTENCED TO							
			One year exactly.	Not exceeding two years.	Not exceeding three years.	Not exceeding four years.	Not exceeding five years.	Not exceeding six years.	Not exceeding seven years.	Not exceeding eight years.
Madras	...	1896	32	458	585	153	138	164	30	64
	...	1897	24	527	542	156	78	183	32	67
	...	1898	15	751	541	130	74	91	31	76
	...	1899	23	676	736	195	82	153	40	50
	...	1900	15	716	673	184	76	127	65	48
Bombay	...	1896	10	467	645	187	92	118	27	71
	...	1897	26	438	533	162	71	106	26	75
	...	1898	22	540	687	138	58	88	25	27
	...	1899	21	646	785	247	107	124	25	74
	...	1900	16	466	722	297	119	137	31	53
Bengal	...	1896	12	2,426	1,620	442	202	217	42	96
	...	1897	13	2,071	1,425	353	154	201	47	115
	...	1898	15	2,819	1,538	307	126	160	46	116
	...	1899	25	3,575	1,755	438	142	180	39	115
	...	1900	15	3,634	1,668	453	143	219	35	123
North-Western and Oudh	Provinces	1896	1	4,378	4,206	725	209	311	68	206
	...	1897	2	3,933	4,053	590	300	284	53	231
	...	1898	...	4,447	5,041	570	261	308	54	144
	...	1899	...	2,829	4,586	637	276	387	64	191
	...	1900	...	2,723	3,490	640	338	468	124	183
Panjab	...	1896	...	1,462	1,211	345	191	115	28	109
	...	1897	1	1,454	1,200	358	227	104	28	93
	...	1898	...	1,719	1,365	360	182	102	36	103
	...	1899	...	1,680	1,388	416	229	112	33	107
	...	1900	...	1,775	1,293	382	200	111	32	150
Burma	...	1896	11	1,372	1,926	313	199	174	40	310
	...	1897	...	1,893	2,063	366	227	121	28	203
	...	1898	7	1,716	1,943	343	259	123	27	165
	...	1899	27	1,930	1,853	375	375	168	25	181
	...	1900	12	2,289	1,824	305	259	166	51	95
Central Provinces	...	1896	6	413	442	114	61	4	21	81
	...	1897	6	566	395	111	43	42	10	46
	...	1898	...	786	808	9	60	19	6	25
	...	1899	11	378	525	180	91	38	10	37
	...	1900	19	418	339	119	154	54	27	38
Assam	...	1896	...	138	151	27	9	7	1	5
	...	1897	...	143	145	30	14	12	1	8
	...	1898	...	168	126	25	16	10	4	7
	...	1899	...	165	132	25	17	12	9	7
	...	1900	...	151	143	24	9	19	3	9
Coorg	...	1896	1	2	9	4	5	...	3	1
	...	1897	...	5	3	2	10	...	...	...
	...	1898	1	3	4	1	7	...	...	...
	...	1899	...	9	11	1	2	...	...	...
	...	1900	...	4	13	1	...	...	...	...
Hyderabad Districts	Assigned	1896	4	201	171	35	23	20	7	11
	...	1897	...	160	158	26	12	15	7	39
	...	1898	1	195	179	31	14	8	2	18
	...	1899	...	115	184	80	24	16	2	17
	...	1900	2	129	103	80	55	20	4	5
TOTAL	...	1896	77	11,317	10,966	2,345	1,210	1,168	267	954
	...	1897	79	12,090	10,527	2,154	1,136	1,060	232	879
	...	1898	61	13,144	12,322	2,002	1,057	908	231	682
	...	1899	107	12,113	11,955	2,644	1,345	1,199	247	779
	...	1900	79	12,305	10,268	2,485	1,353	1,321	272	704

MAJLS of BRITISH INDIA in the calendar years 1896 to 1900.

REMISSION UNDER THE			4 MAXIMUM REMISSION IN DAYS GAINED BY ANY CONVICT RELEASED DURING THE YEAR.						PROVINCE AND YEAR.
SENTENCED TO			SENTENCED TO						
Not exceeding nine years.	Not exceeding ten years.	Exceeding ten years.	One year exactly.	Not exceeding two years.	Not exceeding three years.	Not exceeding four years.	Not exceeding five years.	Not exceeding six years.	
5 2 ... 6 1 1 ... 4 3 2 1 1 ... 2 5 3 10 10 11 6 9 12 5 5 10 8 10 15 6 7 1 1 1 3 3 ... 1 1 1 ... 29 41 35 37 34	17 10 19 18 13 10 11 7 21 39 21 13 28 35 60 57 79 51 125 95 33 20 22 20 20 247 313 132 90 80 6 9 4 7 12 4 5 1 1 3 1 9 7	10 7 5 5 8 14 11 5 6 8 10 12 7 6 13 20 12 16 25 29 3 10 15 13 12 26 56 51 43 75 5 6 4 2 3 1 1 1 2 1 ... 5	29 33 32 41 31 61 51 40 63 44 50 57 58 50 49 53 64 67 59 72 51 53 52 60 59 80 61 57 48 55 57 69 74 60 100 39 78 56 45 63 39 39 38 38 45 47 49 36 62 42	59 64 62 77 73 83 138 90 287 88 100 121 116 137 127 120 138 161 151 186 137 111 102 87 106 148 133 180 103 147 95 104 157 147 156 92 111 130 120 125 74 73 76 90 97 100 82 96 120 79	104 83 115 91 110 127 132 118 267 155 278 151 154 188 214 175 170 172 162 242 188 183 193 177 160 240 222 200 103 175 148 218 208 265 218 127 160 199 204 144 115 107 113 93 123 186 121 120 136 120	140 133 117 167 134 220 204 187 383 197 212 187 181 197 255 257 234 205 314 253 205 193 208 263 206 276 270 368 200 188 194 245 209 345 304 174 149 160 150 ... 158 109 102 173 169	225 242 162 211 213 223 323 181 465 238 279 274 245 274 349 287 266 280 317 333 290 255 245 247 372 413 383 419 432 275 263 294 199 486 420 ... 148 238 243 176 241 206	264 93 212 246 249 275 279 381 248 266 293 297 250 203 299 287 283 288 304 410 307 195 295 417 342 351 412 215 513 337 390 230 341 312 462 117 243 266 266 244 273 235 230 143 204 317	1896 1897 1898 1899 1900 1896 1897 18

No. 12—continued.

WORKING of the MARK SYSTEM in the JAILS AND SUBSIDIAR

1 PROVINCE AND YEAR.		4 MAXIMUM REMISSION IN DAYS GAINED BY ANY CONVICT RELEASED DURING THE YEAR.					AVERAGE REMISSION			
		SENTENCED TO					SENTENCED TO			
		Not exceeding seven years.	Not exceeding eight years.	Not exceeding nine years.	Not exceeding ten years.	Exceeding ten years.	One year exactly.	Not exceeding two years.	Not exceeding three years.	Not exceeding four years.
Madras	1896	351	351	416	592	604	20	35	63	90
	1897	344	381	284	567	596	19	34	52	90
	1898	429	401	...	499	770	20	33	61	78
	1899	303	373	209	452	837	21	37	62	82
	1900	311	356	144	471	754	21	35	66	85
Bombay	1896	430	307	197	365	650	26	42	73	114
	1897	478	220	298	373	592	25	45	74	125
	1898	237	350	231	284	458	26	51	72	110
	1899	544	341	338	899	472	51	116	170	248
	1900	281	298	297	440	569	25	47	83	113
Bengal	1896	382	370	227	523	972	27	53	88	129
	1897	480	528	226	485	706	20	50	85	115
	1898	318	320	...	450	712	27	74	82	100
	1899	347	326	415	439	616	26	52	88	114
	1900	374	372	236	458	646	26	54	91	120
North-Western Provinces and Oudh.	1896	399	393	250	593	909	27	50	82	118
	1897	451	375	367	542	861	27	52	83	115
	1898	371	321	366	472	744	29	54	84	110
	1899	349	390	476	514	720	30	56	86	123
	1900	381	477	344	546	969	30	59	101	126
Panjab	1896	476	410	447	682	277	25	48	70	111
	1897	486	346	441	538	744	24	45	78	106
	1898	449	394	388	499	843	25	45	72	98
	1899	473	424	406	569	784	25	45	76	113
	1900	345	335	494	484	784	26	49	77	112
Burma	1896	681	535	567	601	1,611	24	52	82	112
	1897	762	415	400	880	1,843	23	51	80	106
	1898	659	467	618	599	2,082	23	47	71	107
	1899	447	404	350	605	860	28	47	72	103
	1900	475	261	411	528	1,049	23	49	74	100
Central Provinces	1896	413	258	157	490	642	26	46	72	114
	1897	444	508	317	776	1,229	30	46	91	109
	1898	453	351	92	289	519	27	50	83	136
	1899	633	230	238	280	612	26	40	92	108
	1900	663	212	487	893	2,377	26	49	91	156
Assam	1896	280	81	...	391	385	24	43	95	132
	1897	266	...	246	...	...	25	40	94	111
	1898	270	173	...	552	...	25	46	98	137
	1899	634	242	...	460	...	25	47	90	130
	1900	643	185	...	391	450	26	44	81	108
Coorg	1896	295	...	...	...	...	37	52	109	145
	1897	...	...	...	...	...	35	65	104	142
	1898	171	260	...	...	...	37	62	113	143
	1899	...	...	...	...	...	31	72	93	145
	1900	...	...	...	...	...	37	64	122	...
Hyderabad Assigned Dis- tricts.	1896	362	363	276	484	305	24	46	77	109
	1897	347	...	...	311	331	22	37	91	86
	1898	324	108	...	234	529	23	40	80	92
	1899	236	...	252	481	...	44	77	85	106
	1900	184	...	...	436	546	26	51	98	116
TOTAL	1896	681	535	567	601	1,611	26	47	82	117
	1897	762	528	490	880	1,843	26	47	83	110
	1898	659	467	618	599	2,082	26	50	82	112
	1899	634	424	476	899	869	31	48	81	128
	1900	663	477	494	893	2,377	27	50	88	115

No. 13.

WHIPPINGS INFLICTED on the CONVICTS in the JAILS of BRITISH INDIA in the calendar years 1895 to 1899.

PROVINCE.	Year.	Total number of male prisoners during the year.	Total number of major punishments inflicted by jail officers for breaches of jail discipline.	Total number of cases of corporal punishment.	Percentage of prisoners whipped to total number of male prisoners.	Proportion per cent. of corporal punishments to total major punishments.	PROVINCE.
1	2	3	4	5	6	7	
Madras ...	1896	47,124	1,761	152	32	8.63	Madras
	1897	58,215	2,952	93	16	3.15	
	1898	62,634	3,347	85	1	2.5	
	1899	55,190	2,937	67	12	2.27	
	1900	71,049	2,719	52	7	1.91	
Bombay ...	1896	24,777	1,444	139	56	9.63	Bombay
	1897	30,681	2,857	135	44	4.73	
	1898	28,558	2,351	133	5	5.7	
	1899	31,752	1,049	174	55	8.93	
	1900	43,468	2,188	159	37	7.27	
Bengal ...	1896	70,752	3,192	223	31	6.99	Bengal
	1897	81,986	3,483	232	28	6.66	
	1898	72,228	3,515	327	5	9.3	
	1899	71,452	4,877	322	45	6.6	
	1900	76,247	5,179	278	36	5.38	
North-Western Provinces and Oudh.	1896	85,848	1,826	329	38	18.02	North-Western Provinces and Oudh
	1897	98,848	3,696	416	42	11.26	
	1898	74,765	3,258	352	5	6.7	
	1899	69,232	6,915	326	47	4.71	
	1900	76,178	6,318	295	39	4.67	
Panjab ...	1896	38,280	4,558	193	5	4.23	Panjab
	1897	42,143	5,477	145	...	2.64	
	1898	38,859	6,453	184	5	2.9	
	1899	44,045	7,841	188	43	2.4	
	1900	48,216	7,626	216	45	2.83	
Burma ...	1896	36,139	2,969	362	1	12.19	Burma
	1897	34,685	3,763	295	85	7.84	
	1898	30,352	4,638	339	11	7.3	
	1899	30,598	3,424	273	89	7.97	
	1900	30,350	3,743	251	83	6.7	
Central Provinces ...	1896	14,291	707	173	1.21	24.47	Central Provinces
	1897	19,127	925	225	1.12	24.32	
	1898	11,824	853	155	1.3	18.2	
	1899	9,695	1,735	225	2.25	12.97	
	1900	14,466	1,584	191	1.33	12.06	
Assam ...	1896	6,177	212	131	2.12	61.76	Assam
	1897	6,215	115	45	72	59.13	
	1898	6,460	84	29	4	34.5	
	1899	6,693	115	37	55	32.17	
	1900	5,957	150	18	3	12	
Coorg ...	1896	274	23	16	5.84	69.56	Coorg
	1897	203	36	26	9.89	72.22	
	1898	374	24	12	3.2	50	
	1899	326	49	22	6.75	44.9	
	1900	406	42	14	3.45	33.33	
Hyderabad Assigned Districts.	1896	3,660	137	35	88	25.55	Hyderabad Assigned Districts
	1897	5,521	111	22	4	19.82	
	1898	3,801	288	75	2	26	
	1899	3,002	312	52	1.73	16.67	
	1900	5,092	387	37	74	9.56	
TOTAL ...	1896	327,622	16,829	1,753	53	10.42	TOTAL
	1897	377,684	23,415	1,634	43	6.98	
	1898	329,852	26,811	1,691	5	6.4	
	1899	322,195	30,174	1,686	52	5.38	
	1900	371,279	29,927	1,511	41	5	

J. P. HEWETT,

Secretary to the Government of India

Note by the Sanitary Commissioner with the Government of India on the sickness and mortality in the jails of India in 1900.

The year 1900 was hot and rather dry with an approximately normal rainfall. But actual famine here, and the effects of
India.
famine there, were still present; and cholera, small-pox, and some other epidemic diseases were active; so that the health of the prisoners, like that of the general population, was bad. Many of the prisons also were overcrowded.

The chief causes of admission to hospital were ague, dysentery, abscess, and diarrhoea. Among the diseases with raised admission rates were cholera, small-pox, influenza, dysentery, ague and tubercle of the lungs. Ague caused 37 per cent. of the total sickness, and bowel complaints 18 per cent. The chief causes of death were dysentery, pneumonia, and tubercle of the lungs. Among the diseases with increased mortality were cholera, small-pox, gangrene, malarial fevers, pneumonia and bowel complaints. Dysentery and diarrhoea caused 28 per cent. of the total deaths, pneumonia 13 per cent., and tubercle of the lungs 12 per cent.

A somewhat serious feature of the year was the increase and spread of cerebrospinal fever.

The prisoners of Assam, the Andamans, and the North-Western Provinces alone had better health than in the previous
Administrations. Appendix N.
year; and the difference was considerable only in the case of Assam. The three most unhealthy administrations were, in order, the Andamans, Berar and the Central Provinces; and the three most healthy, in order, Madras, Burma, and the North-Western Provinces and Oudh. Of the former group, the Andamans and Berar had ratios higher than those of the quinquennium. As compared both with the previous year and with the quinquennium the year 1900 had increase of mortality in the Andamans from remittent fever, pneumonia, diarrhoea, and debility; in Berar from cholera, respiratory diseases, bowel complaints, and tubercle; and in the Central Provinces from cholera, small-pox, remittent fever, tubercle and debility. Of all the administrations, the Andamans had the highest death rates from remittent fever and tubercle of the lungs; Berar from pneumonia, other respiratory diseases, dysentery, and diarrhoea; and the Central Provinces from cholera, small-pox, and debility.

Some explanatory details with regard to the unhealthiness of individual jails are given in Appendix R.

The rainfall was somewhat below that of the previous year, and much below the lustral average. Sickness and mor-
Andamans.
tality showed a slight improvement.

Increase of malarial fevers began with the advent of the south-west winds and rain in May; but many of the cases treated were relapses in old cases from exposure. Quinine and cinchonidine were issued as prophylactics during the rainy season. An epidemic of influenza began in April, and another in November. The presence of a certain amount of scurvy, beyond what was returned, is attributed to the absence of good fresh vegetables and the rather monotonous diet of the prisoners. The list of vegetables given by the Senior Medical Officer is certainly not satisfactory, and it is to be hoped that the measures mentioned in the report for 1898 are being continued and pushed. Boiled water is provided at all the stations where many labouring convicts reside; but it is stated that cases of acute diarrhoea, often fatal, are caused by prisoners quenching their thirst at wayside sources. Efforts should be made to ensure that labouring prisoners always have ready access to the boiled water. After the invalid gang, the new arrivals had, as usual, the highest proportional mortality. The settlement has generally been distinguished by high death rates from remittent fever, tubercle of the lungs, and dysentery. Now, if the death rates of the ten years

period before the report of Mr. C. J. Lyall and Dr. Lethbridge, 1882-1890, be compared with those of the ten years 1892-1900, the result is—

		Remittent fever.	Tubercle of the lungs.	Dysentery.	All causes.
1882-1890	...	2'97	4'28	4'16	27'33
1892-1900	...	4'11	4'29	10'08	33'89

The worst years in the second period were 1892, after the cyclone of November 1891, and 1899, a year of drought. Taking the above-given rates of the first period as the standards, then remittent fever and all causes had high mortality in all the years of the second period, except 1896, 1897 and 1898; tubercle of the lungs in the years 1897, 1898, 1899 and 1900; dysentery in all the years. Separate accommodation has been provided for tuberculous patients, and reforms have been carried out in the water and vegetable supplies, etc., but the above statistics show how much remains to be done.

The prisoners in Burma were fairly healthy. The Prome jail was over-crowded throughout the year, but was not unhealthy, perhaps because the population was kept in movement by monthly transfers. The overcrowding in eleven other jails was transient. The well water of some of the jails contained from 70 to 100 grains per gallon of total solids, but no ill effects were observed. The system of conservancy by trenching in the jail gardens is not found to be a cause of ill health in the jail population. The increase of tubercle was chiefly in the Central jails of Insein and Mandalay; and it is noted that the cases were segregated "as much as possible," and that care was taken to detect them at an early stage. The chief outbreak of cholera was at Bassein. Its origin was not traced, but food and flies were suspected to have been carriers of the infection. The medical officer of the Moulmein jail says that nothing short of removal of the jail to a higher and dryer site will effect permanent improvement, especially with regard to tubercle and dysentery.

The health of the prisoners of Assam was most unusually good, and the population of the province was "fairly healthy". The chief feature was the great reduction in cholera, diarrhoea, and non-pneumonic respiratory diseases. There was also less malarial fever, and prophylactics were administered with apparently good effect. Improved accommodation is believed to have lowered the mortality in the Sylhet jail. The Tezpur jail, which recorded increased sickness and mortality, was situated amid a population extensively affected by bowel disease. As to the effect of the partial stoppage of extramural labour during the year by order of the Chief Commissioner, the Inspector-General considers it too early to judge.

The health of the Bengal population was bad, and so was that of the prisoners. Some jails were overcrowded as the result of disturbances and scarcity among the people. The statement that "even when there is no actual overcrowding, if the numbers are kept up continuously to the limit of the capacity, there is a marked increase in the number of cases of pneumonia and phthisis," seems to indicate that the officially sanctioned allowance of floor and cubic space is not sufficient. Excluding subsidiary jails, there were 169 cases of cholera, of which 87 ended fatally, distributed over 21 jails; the most severe outbreaks being those of Palamau, Alipore, Chapra and Champaran. At Alipore the disease appeared suddenly in the jail, and coincidentally in various parts of Calcutta, after a heavy shower of rain. Prisoners from a cholera district were supposed to have brought the infection into the Palamau jail; and, indeed, it is stated that in nearly all cases the introduction of cholera was traced to newly admitted prisoners, to prisoners attending court, or to contaminated water outside the jail. Cerebrospinal fever and plague also occurred, as will be noticed below; and there was an increase of mortality from remittent fever (though malarial fever was less frequent) tubercle of the lungs (attributed to the increased crowding in jails), pneumonia, other respiratory diseases, dysentery, diarrhoea, and debility. There is reason to believe that some of the attacks of bowel disease were dependent upon the presence of intestinal parasites; and pneumonia appeared in the Ranchi jail in an epidemic form at the time when it was overcrowded with prisoners,

owing to disturbances among the people. Appendix R classes 21 jails as unhealthy. The Inspector-General notes that the seven Pasteur-Chamberland filters installed in Bengal jails have not proved very successful, while they are very costly and liable to get out of order.

The North-Western Provinces and Oudh were "healthy, though not free from epidemic disease", and the health of the prisoners was fairly good, cholera, small-pox, and debility being the only diseases in the table with increased mortality. In the districts of Jhansi, Orai, and Lalitpur many of the men admitted into jail were suffering from the effects of famine. Every endeavour was made by transfers to prevent overcrowding of particular jails. The Inspector-General favours the reduction of the height of inner dividing walls, and an increase of the vegetable ration. There were no great outbreaks of cholera, but cerebrospinal fever appeared in three jails. The substitution of a new jail for the old one has been successful in reducing the once notorious mortality at Gorakhpur. The use of quinine prophylactically is only mentioned with regard to one jail.

The standard of health of the prisoners admitted to the Punjab jails in 1900 was low, on account of the prevalence in the province of famine, fevers and bowel affections. The jails had increased mortality from cholera, small-pox, tubercle of the lungs, pneumonia, dysentery and debility. There was a high mortality from sunstroke, owing to the late appearance of the monsoon rains. A great increase in the jail population made it necessary to accommodate large numbers of prisoners in tents in different jails; and tubercle of the lungs increased. The Inspector-General is taking measures to secure the construction of a special tubercle ward for the segregation of phthisical patients. The prisoners did not suffer so much as the general population from malaria, owing to their being placed in better sanitary conditions, and being defended by prophylactic doses of quinine. Cholera prevailed to a serious extent only at Mung Rasul. The outbreak was attributed to the drinking of water from an infected village well by prisoners working on canal excavation. At Ludhiana a virulent form of dysentery disappeared after the prisoners had been supplied for some time with fresh potatoes and onions. The Inspector-General believes that under the circumstances of the year mortality from pneumonia would have been higher, had it not been for the attention paid to ventilation and cleanliness.

Famine and disease were prevalent in the Bombay Presidency, and the health of the prisoners was bad. The jail population was much increased, and all the jails, except three, were overcrowded throughout the year, so that relief could not be afforded by transfer. There was increased mortality from cholera, small-pox, remittent fever, tubercle of the lungs, pneumonia, dysentery, diarrhoea, and debility; and cholera, relapsing fever, and plague occurred in certain jails. The most serious outbreaks of cholera were at Thana and Dhulia. In both cases cholera was prevalent outside the jail. In the former the origin of the disease in the jail was not traced, and 19 buildings out of 21 furnished cases. In the latter the first case occurred in a man who drank water from a contaminated *nala* that flowed through the jail garden. It is not stated how such a *nala* was allowed to run open within the jail enclosure. Malaria was also prevalent, and cinchona alkaloids were issued prophylactically where necessary. Other measures adopted to improve the health of the prisoners were the issue of wheat instead of inferior cereals, the issue of potatoes instead of inferior vegetables, the issue of extra diet, special diet, extra clothing to weakly prisoners. The insanitary moat which surrounded the Thana prison has at length been filled up.

Benar also was afflicted with famine and disease, and the prisoners admitted to jail were below par. The prison population was greatly augmented, and mortality from cholera and bowel complaints, from tubercle of the lungs, pneumonia, and other respiratory affections, was much increased. But the heavy mortality was confined to Amraoti, Akola and Basim. At Amraoti there was an epidemic of severe influenza, frequently ending in fatal pneumonia, an outbreak of

cholera, and, during the rains, a food grain which was believed to be deficient in nutritive value. This last was brought to notice by the medical officer, and the necessary change was at once made. The difference between the high mortality in these three jails and the low mortality at Ellichpur, Buldana, Yeotmahl, and Secunderabad is not fully explained.

Famine and disease were rife in the Central Provinces, and though special executive orders prevented the swamping of the accommodation by hordes of physically deteriorated prisoners, yet all the jails, except two, were overcrowded at some time. Relief was obtained by utilizing worksheds inside the jails as sleeping barracks and by extramural camps, the latter being, on the whole, a great success. It is noted that the physical condition of men admitted to jail was on the whole better than in the famine of 1897. There was increased mortality under all the heads given in the table; and cerebrospinal fever also occurred, especially at Raipur. In eleven jails there were 64 cases of cholera and 44 deaths, the highest numbers being at Nagpur, Nimar, Sambalpur, and Seoni. It is stated that the disease at Seoni was traced to impure milk, the boiling having been neglected. For the difficulty mentioned by the Inspector-General as to different systems causing variations in the number constantly sick a solution was provided in paragraphs 7 and 8 of Chapter VII of the report of the jail commission of 1889, and sanctioned by the resolutions of the Government of India founded thereon.

Scarcity and disease in the Madras province increased the number of prisoners, and made their physical condition bad. The general death-rate, though higher than in the previous year, was less than the lustral ratio. The increase was greatest in the district jails, and least in the central prisons. There was increased mortality from all the diseases shown in the table, except non-pneumonic diseases and debility; but only the ratios for remittent fever, tubercle of the lungs, diarrhoea, and debility were above their quinquennial ratios. Privation had affected many of the men admitted into the Cannanore and Vizagapatam jails; there was dysentery at Russellkonda, thought to have been caused by the effect of drought upon the water-supply; and Nellore and Russellkonda were the jails which suffered most from cholera. It was not discovered how the disease, which was prevailing in the town, got into the jail, especially as the persons and clothes of all newcomers were washed and disinfected; though it was thought that perhaps the warders might have been instrumental. The first man attacked had been 13 days in jail, and came from a locality where there was no cholera. Into the Russellkonda jail it is said to have been imported from a cholera area. Quinine was issued prophylactically with fair regularity in five jails, the reports from three being favourable. The Parvatipur jail was closed, as it was found the hillmen could be kept in good health at Vizagapatam.

The Mercara jail was more healthy than in the previous year, the Ajmer jail much more unhealthy, and the Quetta jail slightly more unhealthy. The Ajmer jail was overcrowded, and the prisoners admitted were suffering from the effects of the prevailing scarcity.

There was an increase in influenza, there having been increase and decrease in alternate years ever since the beginning of the epidemic prevalence of the disease. It was most prevalent in the Bay Islands, Bengal, Orissa, Upper Sub-Himalaya, and Gangetic Plain groups; and in the Andamans, Berar, Bengal, and North-Western Provinces administrations. Thirty-five jails were more or less affected; but by far the largest outbreaks were those of the Rajshahi Central Prison, with 479 cases, and of the Bareilly District Jail, with 272 cases. There were two distinct outbreaks at Port Blair and Rajshahi, while at Bareilly the disease was present throughout the year.

There was a great increase of both morbidity and mortality from cholera, and the death-rate was higher than the quinquennial and decennial means. As usual, there was no cholera in the Andamans; but it appeared in jails of every

other administration. The highest admission ratios were in the administrations of the Central Provinces, Bombay, Berar and Bengal; and in the Western Coast, Hills, and Deccan groups. No less than 70 jails returned cases, but the highest numbers of cases were 62 at Thana and 56 at Dhulia. Russellkonda was the only hill jail in which it occurred. The maximum prevalence was in July and August. The circumstances under which certain of the outbreaks occurred have been noticed above in the paragraphs regarding administrations; but the subject will, as usual, be dealt with more fully in Section VI of the Sanitary Commissioner's forthcoming annual report. On the whole, because importation by prisoners is so frequently mentioned, it seems that while the measures adopted to prevent the continuance and spread of cholera in a jail are generally effectual, the arrangements in force for the defence of jails against the entrance of cholera are still defective. When cholera is prevalent, new prisoners should be detained in the observation wards for a time; and extramural gangs should either be stopped, or, on return from work, should not be allowed any further into the jail than the observation wards or tents. The danger from warders should also be remembered, and guarded against as much as local circumstances permit.

There was a great increase in the admission and death rates from small-pox; and there were 116 cases, with 14 deaths, against 22 and 5 in the preceding year. Small-pox. Appendices N and O. The worst figures are those of Ahmedabad, 19 cases with 1 death, and Dhulia, 16 cases with 2 deaths; but seven other jails had from 3 to 7 cases. The disease was prevalent in the outside population, and the jails were overcrowded. At Sambalpur the infection was supposed to have been derived from Public Works Department labourers.

Of the total number of admissions ague furnished about 37 per cent. as in the preceding year; but the ratio to strength was increased. As usual, October was the most malarious month, and January and February the least malarious. The most malarious groups were I, which includes the Andamans, and VI; and the most malarious administrations the Andamans and the Punjab. Of these group VI and the Punjab had higher ratios than in the previous year. Such scanty information on malaria and its prophylaxis as can be gleaned from the reports of the Inspectors-General, has mostly already been given above under the various administrative headings. With regard to the Yerrowda Central Prison it is stated that there were no stagnant pools or neglected drain channels, and that mosquitoes were fewer than usual in and around the prison; and with regard to the central prison of Ahmedabad that the increase was due to greater rainfall, but that no presence of mosquitoes was noticeable. Sulphate of quinine was issued prophylactically in all the jails of the Punjab, except the Simla jail; and most medical officers reported favourably as to the result. In future the drug will be given according to the method recommended by Professor Celli of Rome, and control experiments will be made by selected medical officers. Some useful research work has been done by Captain Fearnside at Rajamundry, by Major A. Buchanan at Nagpur, by Major W. J. Buchanan at Bhagalpur, and probably by others.

There was a decrease of sickness, but an increase of mortality from remittent fever, which was most prevalent in the Andamans and Bombay among administrations, in Western Coast among groups, and in August among months. In some cases the history or postmortem record shows that the original diagnosis was wrong, and the medical officers ought to have changed the name of the disease in their returns. But there is no reason to doubt the expressed opinion of medical officers that nearly all the cases returned as remittent fever were malarial. Of one case in Assam it is said that it might have been *kala asar*; but no cases of *kala asar* were returned from any of the jails. With regard to the Thana jail, its unhealthiness in this respect is attributed to its tidal marshy surroundings, and it is said that the whole town of Thana is noted for its malarial fevers, particularly of the remittent type. The country where the Sind Gang works is flat sandy, and irrigated by canals for cultivation; and the prisoners have to sleep out on account of the unbearable heat, and, all the more that they remove much of

their clothing, are exposed to the bites of mosquitoes and to variations of temperature.

Inquiries from medical officers have elicited the fact that at least five classes of cases were in 1900 returned as simple continued fever. Firstly, an ephemeral febricula caused by constipation, exposure to the sun, fatigue, etc., or of unknown causation. Major Buchanan at Bhagalpur placed in this category only such cases as showed no plasmodia in the blood. Secondly, a longer fever, not fatal, but often producing considerable debility. Thirdly, cases really malarial. Captain Fearnside at Rajamundry found malarial parasites in the blood of cases exactly similar to such as had been previously returned as simple continued fever. Such a blood examination is very necessary, as the personal equation seems often to decide that quite similar cases shall here be called malarial and there simple continued. Fourthly, symptomatic fever, the fever being returned instead of the local lesion (tonsillitis, orchitis, etc.). Fifthly, cases of influenza, cowpox, etc.

Throughout the jails of India there were returned 34 cases of enteric fever with 17 deaths. Eleven jails had only 1 case each. In Yerrowda the man attacked had been four years in jail, and the medical officer is not quite satisfied with the diagnosis. Drinking unboiled water was supposed to have caused the Meiktila case. Five jails had two or three cases each. From Fatehgarh it is reported that the origin of the disease was unknown. In the Vizagapatam jail occurred 11 cases with five deaths. By a study of dates it was made evident that four of the cases, including the first two, must have contracted the disease before admission to jail. A further report is promised by the late superintendent, who has taken the documents with him to England. In eight of the Indian cases there was perforation of the bowel, and in all the fatal cases the postmortem record is fairly characteristic of the disease. In two of the Vizagapatam fatal cases the enteric fever had been preceded by dysentery.

There were 99 cases of cerebrospinal fever with 79 deaths in 1900, as against 29 with 24 in the preceding year. The admissions from 1896 have been 7, 13, 24, 29, 90. In 1898 eight jails were attacked, in 1899 six, and in 1900 seventeen. Two jails were affected in 1898 and 1900 and four in 1899 and 1900, while the remaining were affected only in the last of these three years. The Bhagalpur jail alone was attacked in all three years. Most of the jails had but one case or two cases, but there were four larger outbreaks—25 cases at Bhagalpur, 22 cases at Raipur, 18 cases at Fatehpur, and 9 cases at Allahabad (district jail). In the cases examined after death the appearances recorded are sufficiently characteristic, except when death occurred at a very early period of the disease. At the Bhagalpur Central Prison the morbid agent was found to be the *meningococcus intracellularis*,* the virus was supposed to have been disseminated by dust, and there was no evidence of personal contagion, nor of importation from outside, the men first affected having been from six weeks to one year in jail. On the other hand, at Allahabad, Moradabad, Sultanpur, Jhansi, and, with a less degree of certainty, at Fatehpur, it was believed that the disease might have come from without; and the Civil Surgeons of Allahabad and Jhansi had actually treated cases among the free population.† At Fatehpur the first man attacked had been only six days in jail. In the experience of the medical officer of the Rawalpindi jail the disease is one of jails rather than of the free population, and he refers to the want of really thorough change of air in the restricted area of a jail. In the Raipur Central Prison there was a case remaining from the previous year, and the monthly admissions were 7, 2, 3, 3, 0, 0, 0, 2, 1, 1, 2, 1, the break coming with the removal to camp. The first case was an undertrial man who had been only 11 days in jail, but no cases were known in Raipur or the district. In the Bhagalpur jail men employed on dusty work seemed to be most liable; but the men who died in other jails were employed on about 30 different kinds of work,

* The investigation does not seem to have been made at any other jail.

† Other civil surgeons might give this subject their attention.

and the only class showing a slightly greater liability were the undertrials. The period spent in jail before attack varied in the men who died in the jails of India from six days to something under three years, the average being between three and four months. The period of incubation of the disease is not known; but Captain Smith (Soudan) believes it to be from $1\frac{1}{2}$ to 3 days, Major Buchanan from 2 to 7 days, and Major Brown from 5 to 37 days. All the cases at Allahabad occurred in December. The distribution for Raipur has already been given. That for Bhagalpur was 0, 0, 3, 13, 2, 0, 2, 0, 0, 4, 0, 1; and that for Fatehpur 0, 1, 2, 13, 0, 1, 0, 0, 0, 0, 0, 1. It appears that dropping cases are apt to occur at wide intervals. The medical officer at Jhansi notes that 50 days elapsed between the death of the first and the arrival in jail of the second man attacked, and an interval of 102 days between the death of the second and the arrival in jail of the third. The presence of overcrowding at the time of the outbreaks is generally denied, and, though there was a certain amount of site overcrowding in the Fatehpur jail the disease also appeared in jails where there was no such defect. At Sultanpur the prisoners sleep in large and lofty barracks originally erected for the occupation of British troops. The Inspector-General, North-Western Provinces and Oudh, is inclined to believe that the disease is mildly epidemic among the population of certain parts, especially the Fyzabad and Allahabad Divisions,* and that isolated cases sometimes occur in jails without being recognized. The fact that low as well as high case mortalities have been observed elsewhere, while in the four jails chiefly affected the case mortality varied from 65 to 91 per cent., being 76 per cent. on the whole for these four jails, and 78 for all the jails affected, may possibly indicate that only the severer cases were recognized. If certain recent results be confirmed, bacteriology may prove a means, perhaps the only means, of identifying these cases. Whether overcrowding was or was not a factor in originating the jail outbreaks; there can be no doubt, now the disease is present and threatening to spread, that special attention must be given to the prevention of overcrowding, the remedy of site crowding, and the improvement of ventilation. That the disease is known in Europe and America as a disease of military barracks and camps, shows that it must have some connexion with overcrowding or with place infection or with both. Cleanliness in every part of the jail is called for, personal cleanliness in the prisoners, cleanliness in their clothing and bedding. No article of clothing or bedding, used by a prisoner who has been discharged dead or alive, should ever be re-issued without previous thorough disinfection. The measures actually adopted in the jails where outbreaks occurred were isolation of the sick, evacuation of buildings or of the whole jail, disinfection more or less on the same lines as for plague, the destruction of all reasonably suspected clothing and bedding, and a general overhauling of sanitation. To this in future might be added the destruction of all discharges and excretions of the patient, and a closer attention to the disinfection of his person and surroundings; and, when possible, the institution of a bacteriological watch over both the sick and the well who have come in contact with him; for, whether the living virus of the disease is communicable directly or indirectly, it is important to prevent its being shed abroad by the sick man. The specific microbe of the disease, the *diplococcus intracellularis* has been found in the nasal cavities not only of the sick but also of contacts, and in the former case it is said that the discharge has been so profuse as to cause the disease to be mistaken for influenza. Again, it, or a near relation, has been found in the juice of the lung of a patient dying of apparently simple bronchopneumonia; and it is possible that it may occur in the sputum when pneumonia complicates the disease. Williams and Williams, though their observations require confirmation, especially as others have not been so successful, report that they found it in the blood, sweat, saliva, nasal secretion, and urine, not only in severe but in mild ambulant cases. Then, again, Hunter and Nuttall have demonstrated its presence in sporadic cases of basal meningitis. The Inspector-General, North-Western Provinces and Oudh, was able to show that bad grain had nothing to do with the causation of the disease at Fatehpur, but he was wrong in thinking that the native troops were being attacked in the provinces. In 1900 only three cases were returned from the native army of India, two at Kamptee, and one at St. Thomas' Mount. The

* He points out that the first men affected in the Emigration Depot, Calcutta, came from the North-Western Provinces and Oudh.

ratios for native troops for admissions and deaths were in 1899, 0·1 and 0·09, and in 1900, 0·02 and 0·02; and those for prisoners, 0·3 and 0·22 and 0·8 and 0·65. With these may be compared the statistics given by Munson for the American, German, and Belgian armies.

• There were no cases of typhus. Relapsing fever, 118 cases and 24 deaths, occurred only in the Bombay Common Prison. Its presence was supposed by the medical officer to be connected with a manure

Typhus, Relapsing fever, Plague.

heap out of place in the jail; but the disease was reported among the free population of Bombay at the time. Of plague 31 cases, one not admitted to hospital, and 23 deaths occurred. The jails affected were Bombay Common (19), Bombay House of Correction (1 not admitted to the jail hospital, but sent to another hospital), Yerrowda (5), Thana (1), Cawnpore (1), Chapra (1), Monghyr (2), Gaya (1). In the Bombay Common Prison moisture from watering plants was supposed to have encouraged the disease. The first four Yerrowda cases are said to have had a common possible source of infection in a bale of wool brought to the prison. At Monghyr one man was found to have plague on admission to jail; and at Gaya and Cawnpore the men effected were under trial. At Gaya all "contacts" were isolated and all prisoners inoculated. That plague should have succeeded in entering so few jails is creditable to the executive officers, as is also the success with which it is prevented from spreading when it has effected an entry.

The admission ratio for scurvy was 1·1 per mille, the same as in the previous year. There were 130 cases, of which

Scurvy.

30 per cent. were in the Bombay jails, 26 per cent in the Punjab jails, and 21 per cent. in the Bengal jails; 10·8 per cent in the Dera Ismail jail, 8·5 per cent. in the Shikarpur jail, and 7·7 per cent in the Rangoon Central Prison. Of ten jails with more than five cases each, five were in the Bombay administration. No doubt, as usual, there occurred milder cases, which, not having gone to hospital, do not appear in the returns. And there are indications of the usual differences of opinion as to how much of the gum-signs is due to scurvy, or to malaria, or to neglect of the toilet of the mouth. Some remarks on the scurvy of 1900 will be found above under the administration headings. The political prisoners at Dera Ismail Khan disliked vegetables, and frequently threw them away.

There was an increase both in admission and in death from tubercle of the lungs, the highest ratios of mortality being

Tubercle of the lungs. Appendices N and Q.

in the Andamans and Bengal. All the provinces had increased mortality as compared with the quinquennium, and all, except the Andamans and the North-Western Provinces, as compared with the preceding year, the increase from 1899 being greatest in the Central Provinces, Burma, Berar, and Madras. It is believed that more care is now taken to return as tubercle cases in which tubercle is ultimately discovered to have been the cause of "anæmia" or "debility;" and therefore the increase of anæmia and debility in 1900 is probably due, at least in some cases, to the prevailing scarcity. Another cause for the increase of cases returned as tubercle of the lungs is given in an excellent report by Captain Deare of the Midnapur Central Prison; which is—greater care devoted to the detection of the disease not only among prisoners some time in jail but among men on admission to jail. He shows that in both, the more tubercle is sought for, the more it is found; and he clearly shows how the amount of tubercle in the Midnapur Central Prison was apparently increased during the incumbencies of two medical officers who took a personal interest in the detection of cases. The discovery that so many men come into jail already tuberculous relieves the jails of the charge of causing all the tubercle that occurs within them; but it does not relieve the jail authorities from the responsibility of detecting cases and of preventing the affected men from infecting their neighbours. There can be no doubt that the overcrowding which has been so common of late years in the jails of India must have increased the number of men infected in jail and diminished the chances of cure or amelioration. Probably some jails would be all the healthier for total temporary evacuation; but whenever a prison becomes noted for tubercle, the floor and cubic space allowed per prisoner should be increased. As recommended last year, every

jail should have a separate tubercle ward, and the establishment of a tubercle prison for a province would be a sanitary advance. Separate accommodation is mentioned only in the reports from the Andamans, Burma, and the Punjab; but that the subject is receiving attention elsewhere is shown by Captain Deare's report, wherein he describes the excellent arrangements adopted in the Midnapur Central Prison. The cases are treated in a separate ward, the floor of which is frequently washed with an antiseptic, and the walls whitewashed four feet up every fortnight. The patients are encouraged to take as much food of a suitable kind as possible, and arrangements are made in suitable cases to have the beds in the open air by day under the shade of trees. Two gumlahs containing carbolic solution are provided for each patient for expectoration, one in use and one being disinfected; and not only the sputa but the stools are incinerated. The highest admission ratios were in Bankura, Bhandara, Darjeeling, Bogra, Bareilly District, Bombay House of Correction, and Insein. Of Insein and Bareilly it is stated that many prisoners came in tuberculous, and at Bankura several were received on transfer for the benefit of their health. In the jails of India 33 cases, 8 of them fatal, were declared to be non-tubercular phthisis; but it is very doubtful whether the tubercle bacillus was really absent in all of these cases.

There was a slight increase of morbidity and a greater increase of mortality from pneumonia. No doubt physical deterioration from famine, overcrowding, and influenza all tended to increase mortality, which would assuredly have been greater but for the skilled attention of medical officers. The mortality ratios of Burma and the North-Western Provinces and Oudh alone were below both those of the previous year and those of the lustrum. The greatest increase was in Berar, and after it in Bombay and the Andamans. In the Berar jail of Amraoti 13 of the deaths were due to influenzal pneumonia. The highest admission ratios were at Ranchi, Karnal, Shikarpur, Delhi, Suri, and Banda. The disease at Ranchi was attributed to overcrowding, which existed the whole year; and it is said to have diminished when the excess prisoners were located in tents.* In some of the others overcrowding, infection, and malaria, are mentioned. In the North-Western Provinces and Oudh a circular was issued to all superintendents for their opinion regarding the closing up of the gratings of the sleeping barracks in the cold weather; and the Inspector-General sums up the result as showing that leaving the gratings open certainly does not tend to give the prisoners pneumonia. Stiffness and closeness increase the liability to infection, while draughts and chill diminish the resisting power of the men. The combination of the two places the prisoners in the worst possible circumstances. These facts should be borne in mind in the endeavour to solve the often difficult problem of ventilation without chill in Indian jail barracks in the cold weather. The admission ratios from other respiratory diseases were highest in Lahore Central, Purulia, Seoni, Rajamundry, Shillong, and Quetta. No information of importance is given regarding their causation.

There was a decided increase of dysentery both as to admissions and deaths. The mortality ratios of only the Andamans, Burma, and the North-Western Provinces and Oudh were below those of the previous year and of the quinquennium; and increase was greatest in Berar and the Central Provinces, and then in Bengal, Bombay, and Madras. This was to be expected in a year of famine and scarcity; and it is repeatedly noted by medical officers of jails that many men were admitted to jail suffering from the disease, or having lately suffered from it. Thus, the majority of the fatal cases at Raipur belonged to a famine-stricken batch from the Khariar State, admitted to jail in a hopeless condition. But, of course, not every jail can plead such circumstances. Thus, the Chittagong jail, which had the highest admission ratio of all, seems to have suffered from gross mismanagement, necessitating a change of staff. The next five highest ratios, headed by Baraset, where the enforced change of habits as regards food, bathing, and sleeping, is blamed, were also all in Bengal, where dysentery, and sometimes scarcity, was rife in the free population. It is curious to note in Berar the

Pneumonia and Other respiratory diseases. Appendices N, O, and P.

Dysentery and Diarrhoea. Appendices N, O, and P.

* See Appendix R.

Yeotmahl and Basim jails with admission rates almost equal, but with a more than four times greater death rate in the second. Whether this is due to a lower state of health in the men admitted to Basim jail, or to better arrangements at Yeotmahl, is not explained; though what the Inspector-General does say, and the remarks of the medical officers quoted in Appendix R, seem to point to the latter. In the same appendix are given particulars regarding Balaghat, Betul, and Sambalpur, which had the highest mortalities in the Central Provinces. The Inspector-General, Madras, remarks that the advisability of separating cases of dysentery is now fully recognized by all medical officers of jails, as also of the speedy destruction of the dejecta in such cases. That severe sloughing dysentery is not so common as it used to be, and that the isolation of dysentery cases, and the careful destruction of the stools, must have an effect upon the spread of the disease, is the belief of the Inspector-General, North-Western Provinces and Oudh. But, on consulting his medical officers, he found that, while all were in favour of isolation, only half of them considered the disease infectious. A consideration of what is known of the etiology of dysentery will show that those are on the safe side who destroy the stools as well as isolate the cases. It has long been suspected that dysentery is but a group of symptoms which may arise from various causes; and this seems now placed beyond doubt by the fact that the serum of patients in each of several outbreaks apparently caused each by a different organism, re-acted only with the organism of its own outbreak. The newer bacilli found to be associated with the disease, those of Shiga, Flexner, and Kruse, all belong to the enteric or ebethiform group; while micrococci have been observed in the asylum dysentery of England by Durham and Mott, who class dysentery as an acute infective disease, in Austria by Lewkowicz of Cracow, and by Lieutenant Greig, confirming Lewkowicz, in India. The rôle of the amoeba is restricted by Flexner to one variety of chronic dysentery; and the coliform bacilli are not now so much in evidence as formerly. Now-a-days chill is supposed to be a factor in causation only by abasing the resistance of the patient. To the best of present knowledge, therefore, the causes of dysentery are organisms, living, capable of multiplication, destructible, and that ought to be destroyed. With the prevalence of malaria, cholera, and famine, diarrhoea increased; mortality being much augmented in Berar and the Central Provinces. Hooghly and Palamau had the highest admission ratios, famine being a causation factor in the case of the second. As both in jails and on army field service it is often impossible to draw a sharp line between dysentery and diarrhoea it would be safer to destroy also the stools of, at least all suspicious, cases of diarrhoea.

Thirteen cases, only two fatal, of beri-beri were reported; four from Burma one from Assam, two from Bengal, and six from Madras.

Beri-beri.

The present Senior Medical Officer of the Andamans agrees with his predecessor that the statements published with regard to the prevalence and importance

Intestinal parasites.

etiologically of *strongylus duodenalis* (*dochmius*, *ancylostomum*) in the settlements were much exaggerated. A systematic search for the ova was made among the convicts and new arrivals in the Rajamundry Central Prison. Of 678 new arrivals 68.1 per cent. harboured the *S. duodenalis*, 36.1 per cent. the *ascaris lumbricoides*, and 7.5 the *trichocephalus dispar*. A large proportion of the men harbouring *S. duodenalis* were in good health. After six months in jail the percentages were found to have dropped. In 74.3 per cent. of 105 postmortem the presence of *S. duodenalis* was revealed. Captain Fearnside says that the parasites seldom occur in such numbers as to cause true "ankylostomiasis" and that it is their secondary effects which are most injurious. In the Darbhanga jail Captain Calvert examined microscopically the stools of 100 prisoners, and found the ova of *S. duodenalis* in 83, of *ascaris lumbricoides* in 39, of *trichocephalus dispar* in 12, of *oxyuris vermicularis* in 9, and no ova in 8. Statistics for the Muzuffarpur jail also have been published by Major Green. It is said that Annett has confirmed Major Giles' account of the life history of *S. duodenalis*. Looss of Cairo has lately published what he considers experimental proof of his long held opinion that this parasite obtains entrance to the body through the skin. An hour before an amputation of a leg, a drop of water full of larvae was placed

on the skin, and allowed to dry. After the operation a patch was cut out, and examined microscopically, and the larvae were found in various stages of entrance through the hair follicles.

Cases of guinea-worm were, as usual, most frequent in the jails of the Deccan and Southern India; and, as usual, the administrations with the greatest numbers of cases were Bombay, Madras, and the Punjab. The Yerrowda Central Prison had 95, the highest number for an individual jail.

During the ten years, 1891-1900, there was an annual average of 382 admissions and 5 deaths from jaundice in the jails of India, the years of maximum prevalence being 1898 and 1900. In 1900 there were 522 admissions and 6 deaths, the highest numbers being at Akola and Bassein. At Bassein no special cause could be assigned; at Fatehgarh, Amraoti, and Mung Rasul the disease was not confined to prisoners; at Yerrowda nearly all the cases came from the printing press, and it was considered advisable to improve the ventilation of the building.

The Andamans returned 41 deaths from anæmia and debility, but sent in no postmortem records; and for at least 52 other deaths in India postmortem records were not furnished. The greatest numbers of deaths under this head were 15 at Ahmedabad and 14 at Jubbulpore. In nearly every province there was an increase in mortality, this being probably due to the famine and the seasonal character of the year. But in one point there is on the whole a decided improvement, in that postmortem records do not show so many cases which ought to have been returned under tubercle, dysentery, etc. It is to be hoped that this heading may show fewer numbers year by year, and that medical officers will realize the reproach which long lists of anæmia and debility cast upon them.

Though the comparison made in Appendix Q is, of course, not quite fair, yet it may serve to emphasize the truth that the heads of jail mortality requiring special attention are bowel complaints, tubercle of the lungs, and respiratory diseases.

Appendix to the note on Jails by the Sanitary Commissioner with the Government of India for 1900.

N.—Administrations.	Years.	Average strength.	RATIO PER MILLE OF STRENGTH.*										
			Admissions.	Constantly sick.	DEATHS FROM								
					Cholera.	Small-pox.	Remittent fever.	Tubercle of the lungs.	Pneumonia.	Other respiratory diseases.	Dysentery.	Diarrhoea.	All causes.
Andamans ...	1895-1900	10,075	1,080	81	...	...	3'17	5'30	2'48	1'08	10'04	2'26	8'00
	1899	11,793	1,937	57	...	...	3'19	7'02	2'57	1'31	15'58	2'78	8'92
	1900	11,580	2,039	54	...	...	4'02	5'70	4'75	1'04	9'67	4'23	3'54
Borneo ...	1895-1900	13,117	626	30	2'00	1'4	4'4	3'84	2'04	4'3	4'27	1'90	4'0
	1899	11,548	584	26	1'99	1'40	4'0	3'27	1'85	4'8	4'02	1'40	3'8
	1900	11,516	556	28	1'76	1'6	4'0	4'87	1'66	1'4	3'91	1'40	3'8
Assam ...	1895-1900	1,184	961	49	4'67	...	2'65	1'40	1'65	1'71	8'68	4'05	3'58
	1899	1,313	961	45	13'61	...	4'54	1'51	3'02	3'02	6'05	4'84	1'51
	1900	1,314	799	37	7'6	...	1'52	2'28	3'04	1'76	6'83	1'76	1'58
Bengal ...	1895-1900	18,111	1,067	37	2'40	1'03	1'95	3'77	3'60	1'91	7'96	1'37	1'06
	1899	18,118	1,804	38	2'28	...	1'66	4'41	2'68	1'90	6'18	1'00	1'77
	1900	19,593	1,156	40	4'44	...	1'82	5'05	4'19	1'22	9'44	2'30	1'22
North-Western Provinces and Oudh ...	1895-1900	32,118	883	45	4'7	1'07	4'7	2'71	4'86	1'00	6'00	2'04	1'65
	1899	29,203	791	38	1'10	...	4'1	2'90	4'44	1'06	5'35	1'43	1'65
	1900	31,083	764	36	1'32	1'03	3'2	2'73	3'04	1'55	4'47	1'29	1'03
Punjab ...	1895-1900	13,250	1,250	34	1'80	1'09	1'66	2'64	4'81	1'77	3'15	1'04	1'13
	1899	13,512	1,097	33	...	...	1'44	2'00	4'81	1'18	2'52	1'05	1'15
	1900	12,350	1,220	37	1'64	1'06	1'26	3'73	5'21	1'04	4'30	1'04	1'45
Bombay ...	1895-1900	8,750	773	29	3'27	1'09	2'44	2'74	6'18	1'15	3'27	3'04	1'45
	1899	8,681	614	28	1'80	...	1'12	3'67	3'70	1'67	2'45	1'76	1'80
	1900	11,495	784	28	5'01	1'33	3'11	3'65	6'70	1'30	5'22	4'28	2'87
Berar and Secunderabad ...	1895-1900	1,659	637	19	1'83	...	1'36	1'57	5'30	4'10	6'75	2'80	3'22
	1899	1,426	445	13	...	...	1'70	1'40	1'40	1'70	1'40	1'70	1'20
	1900	1,627	943	26	6'75	...	...	2'50	11'42	6'23	20'78	9'88	2'08
Central Provinces ...	1895-1900	5,853	1,072	45	3'51	1'25	1'22	4'12	5'30	2'40	30'49	9'78	5'02
	1899	4,148	850	28	1'84	...	1'48	2'17	2'80	1'48	4'10	1'60	1'60
	1900	5,728	926	30	7'68	1'07	1'40	4'35	4'02	1'05	19'90	9'43	8'76
Madras ...	1895-1900	8,870	646	27	5'30	1'11	1'14	3'56	2'37	1'34	4'10	1'05	1'34
	1899	8,006	502	22	1'13	...	...	2'50	1'14	1'08	1'50	...	1'08
	1900	10,125	521	21	1'97	1'10	1'30	3'65	2'27	1'20	3'55	1'20	1'50
India †	1895-1900	114,393	981	38	1'68	1'08	1'03	3'35	4'09	1'04	7'04	2'10	1'67
	1899	110,016	918	35	1'36	1'05	1'21	3'55	3'34	1'06	5'47	1'31	1'65
	1900	121,811	977	35	2'28	1'11	1'21	3'98	4'22	1'06	6'79	1'48	1'58
	1891-1900	108,606	1,024	39	1'99	1'08	1'20	2'98	4'27	1'09	6'51	1'15	1'78

* Excluding subsidiary jails.

† Including Ajmere, Quetta and Mercara.

O.—Groups.	Years.	Average strength.	RATIO PER MILLE OF STRENGTH.*										
			Admissions.	Constantly sick.	ADMISSIONS FROM								
					Influenza.	Cholera.	Small-pox.	Enteric fever.	Intermittent fever.	Remittent fever.	Simple continued fever.	Pneumonia.	Dysentery.
Group I.—Borneo Coast and Bay Islands ...	1895-1900	19,371	1,257	44	0'6	1'5	1'2	1'1	351'2	12'5	27'0	5'8	07
	1899	19,179	1,404	46	1'1	1'3	1'4	1'2	738'0	15'4	15'2	8'9	123
	1900	19,770	1,442	44	36'8	1'7	1'2	1'3	731'3	12'1	5'6	7'8	123
" II.—Borneo Inland ...	1895-1900	4,530	479	23	3'9	2'8	1'4	1'2	127'0	7'4	6'6	9'0	62
	1899	4,662	444	19	9'6	3'8	1'7	1'2	130'6	8'1	1'8	9'6	46
	1900	4,326	475	24	...	1'5	1'9	1'8	125'0	3'2	3'9	6'7	66
" III.—Assam ...	1895-1900	1,243	931	40	4'0	7'2	...	...	317'8	11'4	1'1	8'1	187
	1899	1,220	878	47	6'3	20'3	...	...	293'8	8'6	1'8	3'8	178
	1900	1,277	759	37	11'7	1'8	...	...	274'9	6'3	1'8	10'2	174
" IV.—Beagal and Orissa ...	1895-1900	11,200	1,002	39	9'8	2'5	1'1	1'1	240'7	11'0	9'0	18'6	278
	1899	11,306	944	33	14'3	1'5	...	...	201'2	10'3	5'2	14'6	228
	1900	11,791	1,232	42	47'7	8'6	1'1	1'1	242'6	5'7	120'3	15'3	361
" V.—Gangetic Plain and Chittagong ...	1895-1900	26,575	914	43	28'1	2'6	1'3	1'2	282'1	8'7	13'4	15'4	90
	1899	26,133	882	38	30'7	1'1	1'3	1'2	314'5	6'1	9'9	16'2	93
	1900	28,244	864	35	9'4	4'1	1'6	1'2	222'9	4'1	17'0	14'3	90
" VI.—Upper Sub-Himalaya ...	1895-1900	14,581	1,245	32	31'6	1'6	1'5	1'1	311'9	4'8	6'3	25'0	76
	1899	14,619	1,014	32	22'6	1'1	1'2	1'1	407'1	3'3	3'3	21'5	67
	1900	16,129	1,158	32	22'8	8'1	1'2	1'2	380'9	3'7	3'3	17'7	95
" VII.—North-Western Frontier, Indus Valley, and North-Western Rajputana ...	1895-1900	7,288	974	31	8'3	...	1'0	1'2	403'1	7'1	1'2	26'9	55
	1899	7,408	781	29	12'3	...	1'1	...	265'9	2'3	1'3	23'7	47
	1900	8,359	921	25	3'6	1'1	1'0	...	370'4	10'9	1'2	19'6	72
" VIII.—South-Eastern Rajputana, Central India, and Gujarat ...	1895-1900	5,228	748	40	12'1	1'5	1'2	1'2	254'9	1'6	1'1	31'6	68
	1899	5,016	600	35	4'8	...	1'2	...	170'2	1'0	1'6	26'5	51
	1900	6,471	654	36	3'7	1'5	1'1	...	245'7	1'4	...	34'3	87
" IX.—Deccan ...	1895-1900	10,770	958	38	13'0	4'0	1'2	1'2	222'4	4'3	5'7	14'9	89
	1899	9,072	760	22	12'3	1'0	1'1	1'1	293'7	4'0	4'9	12'1	88
	1900	11,121	962	33	5'0	11'6	1'2	1'2	371'0	5'7	8'8	15'5	96
" X.—Western Coast ...	1895-1900	2,807	677	30	1'8	13'8	1'5	1'8	129'4	35'9	18'7	7'7	75
	1899	2,807	586	31	...	1'4	...	1'9	116'2	15'3	1'2	8'1	72
	1900	3,100	701	26	...	30'3	4'1	...	171'2	25'7	32'0	8'2	100
" XI.—Southern India ...	1895-1900	7,048	667	27	5'7	14'1	1'5	1'5	111'4	1'5	6'5	8'5	64
	1899	7,281	510	21	...	1'4	...	1'3	80'1	1'5	6'8	6'5	47
	1900	9,144	525	22	...	8'9	1'5	1'4	73'6	1'1	6'2	10'0	40
" XII.—Hills ...	1895-1900	641	1,025	31	12'8	4'7	2'5	1'6	365'2	8'1	49'0	21'2	120
	1899	662	968	32	20'3	...	...	...	366'6	6'0	12'1	21'7	112
	1900	724	867	32	5'5	15'8	...	...	297'9	1'2	63'9	19'5	88
India †	1895-1900	114,393	981	38	19'5	3'2	1'2	1'2	330'8	8'2	24'0	15'9	101
	1899	110,016	918	35	14'9	1'0	1'2	1'2	242'4	6'7	20'6	14'4	91

Appendix—continued.

P.—Causes of admission.	Years.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Bubba	1896 1897 1898 1899 1900	853 49 91 66 79	1,357 51 239 236 140	1,232 86 572 460 147	293 162 631 563 249	32 85 338 380 538	10 8 201 23 107	5 37 41 17 282	1 5 146 13 192	270 20 43 31 55	54 274 6 48 48	15 187 30 49 123	10 14 10 48 98	4,141 987 2,243 1,688 2,059
Total ...	1896-1900	1,132	2,017	2,497	1,698	1,273	349	382	357	334	430	394	189	21,152
Cholera	1896 1897 1898 1899 1900	2 8	3 10 3 3 8	14 253 7 1 16	42 289 2 8 24	22 44 5 25 68	47 50 4 19 62	68 145 1 6 138	37 96 ... 4 113	4 55 ... 2 43	5 4 ... 2 4	4 7 ... 18 3	5 6 ... 2 3	283 959 23 101 805
Total ...	1896-1900	10	27	291	365	164	182	358	250	104	43	31	26	1,841
Enteric Fever	1896 1897 1898 1899 1900	... 3 1 1 1	2 ... 1 2 ...	... 3 3 2 2	3 1 3 ... 1	1 3 1	2 1 1 3 4	... 2 ... 5 7	9 3 3	3 2 1 6 6	2 ... 3 6 5	... 2 3 ... 5	... 2 1	29 34 20 21 34
Total ...	1896-1900	6	5	9	8	5	11	14	17	12	31	10	34	131
Intermittent Fever	1896 1897 1898 1899 1900	2,490 1,973 2,523 2,436 1,980	1,853 1,813 1,788 2,051 2,145	2,220 2,000 2,324 2,033 2,407	2,292 2,377 2,558 2,040 3,039	2,174 2,706 2,704 3,208 2,714	2,546 3,104 3,235 3,840 3,378	2,831 3,606 3,310 4,172 3,711	2,742 3,606 3,704 3,404 4,289	3,112 5,980 4,298 3,178 4,539	3,305 7,004 4,877 3,178 6,238	2,712 5,568 3,823 3,014 5,160	2,398 4,033 2,807 2,336 4,134	23,665 44,110 38,927 37,776 43,594
Total ...	1896-1900	11,400	9,650	11,972	13,306	3,776	15,883	17,630	18,280	21,492	24,702	20,277	15,698	294,172
Remittent Fever	1896 1897 1898 1899 1900	89 130 30 37 45	78 121 54 27 41	121 98 61 37 55	165 97 75 81 66	173 76 51 81 71	167 64 48 114 62	166 88 62 91 77	127 157 81 87 133	128 81 57 77 57	103 60 52 70 44	80 48 45 41 47	91 54 45 32 32	1,482 2,083 670 734 730
Total ...	1896-1900	340	315	372	436	452	455	434	385	400	338	261	261	4,099
Simple Continued Fever	1896 1897 1898 1899 1900	167 173 206 196 147	125 187 230 124 115	177 205 219 112 145	322 183 286 107 217	226 250 217 109 343	284 315 404 140 200	251 257 217 180 300	247 252 198 205 435	353 251 197 171 445	296 257 197 255 324	168 281 175 184 288	190 188 177 300 187	2,818 2,899 2,068 2,205 3,086
Total ...	1896-1900	869	731	868	1,035	1,145	1,143	1,308	1,337	1,417	1,124	1,230	1,181	13,728
Pneumonia	1896 1897 1898 1899 1900	353 246 260 213 221	257 216 150 163 204	235 218 235 152 217	118 141 149 141 145	130 110 120 100 140	129 95 122 96 119	127 90 88 92 116	107 90 77 90 92	118 118 77 86 94	139 122 105 121 105	160 263 182 142 144	222 222 193 164 178	2,105 1,842 1,766 1,585 1,775
Total ...	1896-1900	1,293	990	1,067	694	618	561	513	449	493	608	797	986	9,063
Dysentery	1896 1897 1898 1899 1900	524 595 740 653 659	451 618 520 560 613	600 846 875 642 909	662 864 638 726 942	634 851 759 933 1,122	854 954 862 947 1,105	1,271 1,489 1,055 1,297 1,548	1,370 1,741 1,208 1,312 1,988	1,051 1,506 1,106 1,040 1,636	975 1,513 957 512 1,303	863 1,331 984 915 1,437	789 1,122 874 848 1,210	10,044 15,470 10,308 10,793 14,812
Total ...	1896-1900	3,181	2,772	3,632	3,832	4,299	4,752	6,601	7,709	6,199	5,720	5,550	4,781	59,227

Q.—Causes of death.	DEATHS PER 1,000 OF AVERAGE STRENGTH.			RELATIVE MORTALITY IN PERCENTAGES.			PERCENTAGES IN DEATHS FROM ALL CAUSES.		
	European troops.	Native troops.	Prisoners.	European troops.	Native troops.	Prisoners.	European troops.	Native troops.	Prisoners.
Cholera	1'45	8'16	2'28	21	46	33	9'9	22'5	7'0
Fever	5'63	2'24	2'30	55	22	23	36'8	26'0	7'0
Bowel-complaints	'91	'92	9'24	8	8	83	6'2	6'6	28'2
Spleen diseases	'02	'01	'04	39	14	57	'1	'1	'1
Anemia and debility	'02	'22	1'38	1	12	27	'1	1'6	4'8
Respiratory diseases	'50	3'90	5'08	5	41	54	3'4	27'8	18'5
Tubercle of the lungs	'58	'76	3'98	11	15	75	4'0	5'5	22'1
All other causes	5'51	2'81	8'30	33	17	50	37'8	20'0	25'3
All causes	14'62	14'04	38'80	24	23	53	100'0	100'0	100'0

Appendix—continued.

R. ABSTRACT of the SANITARY SHEETS of the most UNHEALTHY JAILS. SANITARY DEFECTS, IMPROVEMENTS, SUGGESTIONS, etc.

ANDAMANS.

Port Blair.—Fever caused more than half of the total number of admissions, but the rate was less than in 1899. The increase in the admissions from malarial fever commenced with the rains, when strong south-west winds also prevailed, and declined with the diminution of rain. A large percentage were secondary attacks, due to exposure to the weather and hard work under a tropical sun. Quinine and cinchonidine were issued during the rains. An epidemic of influenza broke out twice during the year. Chronic dysentery is the chief cause of anæmia. Some cases of acute diarrhoea were due to drinking unboiled unfiltered water obtained at the roadside.

BURMA.

Shwebo.—The surface drains are not properly levelled, hence hard labour is used to assist in flushing them. The well water is unusable on account of the presence of saline matters in it. Drinking water is obtained daily from the civil hospital well. This water was pronounced unfit for drinking purposes by the Chemical Examiner in October 1900, since which time the water is boiled before use. The well was afterwards cleaned and disinfected and a sample of water, which was then sent for re-examination on December 1900, was passed as of fair quality. The general health of the prisoners has been bad during the year on account of transfers received in bad or poor health from Katha and Bhamo, and the general unhealthiness of the year produced by the excessive rainfall.

Bhamo.—Overcrowding lasted only for a few days in January. The water-supply was uniformly good; but since November 1900 free ammonia was noticed to be present in the water in excessive quantity.—0.24 part per million—, probably due to extrinsic causes. A fresh sample has been sent for analysis. The sickness and mortality were due to indifferent or bad health of the prisoners before admission to jail, from previous attacks of malarial fever, and from privations in food and clothing.

ASSAM.

Nowgong.—The many who had previously suffered from malarial attacks were susceptible to climatic influences, exposure at work, chills, etc. Influenza was due to infection. Bowel complaints were, in some instances, owing to intestinal parasites which are extensively prevalent in this place, and, in others, to constitutional weakness and predisposition. Anchylostomiasis was due to infection before admission to jail. English vegetables from the jail garden were desiccated and stored for issue during the rains, when these are not procurable. Daily administration of quinine, iron, and dilute sulphuric acid to every prisoner was begun on the 1st August, and ended on the 30th November.

BENGAL.

Mymensing.—The sickness and mortality were due to the overcrowding which lasted throughout the year, and to the large number of temporary buildings that were indispensably required within the jail enclosure, as well as to the unusually damp and dirty nature of these buildings. The surroundings of the jail are also marshy, especially towards the south-east. The introduction of the filter-water which was laid on both for drinking and bathing purposes since April last, had a marked effect on "fever" cases. The dual supply which existed previously, is not allowed now. Animal food was issued to the general body of prisoners in October and November, to the special gang twice a week, and to the convalescents three times a week, throughout the year. Prophylactics were issued all the year round, but could not counteract the effects of overcrowding. Three work-sheds, used in the day, were occupied also during the night, throughout the year. There are too many *hacha* buildings within the jail enclosure. Unless overcrowding be removed, the sickness and mortality will remain high.

Dacca Central.—Overcrowding lasted during the whole year, in all the wards, except the female, the under-trial, and the hospital wards. Workshops and temporary sheds were used at night. Ventilation of the ground floors, particularly of the old barrack, is defective. The site is low-lying, and its proximity to the town interferes with good drainage. Sanitary defects in the surroundings are too numerous to mention. Although cholera was excessively prevalent in the town and district, only one case occurred in the jail. The district and its neighbourhood, which populate the jail, are low-lying, swampy, and malarious, inhabited by a population of low vitality and poor physique, so that more sickness and mortality must be anticipated than would be likely to occur in more favoured localities and with a more robust population. Dysentery—the principal cause of sickness—was unusually prevalent. The people, admitted into the jail, have been an exceptionally sickly lot, and the population is not now such as is found in an ordinary central jail, being made up, as it is, of sickly prisoners received from other districts to relieve overcrowding, as well as of district admissions. The increase in chest affections in the jail may have partly resulted from the overcrowding. The chief improvement has been the remeasurement of the jail early in the year. It was found that the capacity had been overestimated. The reduction of the population to the proper capacity as fixed by the new measurement, could not be carried out; but further transfers from other jails have been discontinued for some months. Prophylactics have been used in the jail for some years, and the figures tend to show that the issue of quinine exercises a marked influence in reducing admissions from fever.

Chittagong.—There was crowding in Ward No. XI, the under-trial ward, during November. Certain wards and cells are not well ventilated. The water is good, but the method of supply is very cumbrous, wasteful of time and labour, and affording opportunities for contamination. Bowel complaints were the chief source of disease, due to indifferent food, bad cooking, and want of method. Much of the sickness was owing to the above defects. The rice was poor in quality, badly stored, weevil-eaten, and brought far too soon into use after purchase. As the jail garden was a failure, there was a want of variety in the food, and a scarcity of antiscorbutics. In most part of the year, milk was very scarce or not available for the sick and infirm.

Backergunge (Barisal).—No overcrowding in the sleeping wards: the excess number was accommodated in the workshops to avoid overcrowding. The drainage is not quite satisfactory. The water-supply is obtained from the tanks and is very bad: this is the cause of most of the sickness and mortality. A scheme for bringing water from the middle of the river in a boat, and pumping it directly into the jail filter has been submitted. The sickness and mortality were mainly due, directly or indirectly, to the prevalence of dysentery which was caused by the bad water-supply.

Hoochly.—The ventilation in the wards is defective. The main drain on the north-west is in a very bad condition. This is to be improved and made *pukka* in the spring, the jail and municipality sharing the cost. The surroundings of the jail are not satisfactory, owing to a main drain of the town flowing through the jail grounds, and to the presence of a small, insanitary, and crowded *busti* on the north-west. The sickness and mortality were due to climatic causes, and to the consequent bad state of health of the prisoners at the time of their admission to jail. Another cause is that this jail being too large for the requirements of the district, large batches of prisoners from other jails are transferred to it, and these prisoners certainly do not do well here.

Burdwan.—Ventilation is defective in the wards. The surroundings of the jail are unsatisfactory, especially on the north and north-west outside the enclosure, where the ground remains water-logged for months in the year. The district and town have been unhealthy this year, and especially so since the September flood, which was followed by severe outbreaks of fever and dysentery everywhere. The sickness was chiefly due to climatic and telluric conditions.

Faridpur.—There was overcrowding for a few days. The district being low-lying and damp, a large number of prisoners admitted into the jail, were either in bad or in indifferent health. Fever and dysentery prevailed very badly in the interior, and prisoners came predisposed to them.

Pabna.—There was overcrowding for half the year. Malarial fever was prevalent, due to the district being a malarious one, in consequence of insufficient drainage and the silting up of the Itchamutty river. The men who suffered from dysentery had, prior to admission to jail, had attacks of dysentery and fever. Pneumonia was caused by exposure to cold after heat. Cholera, which was raging in the town in April, broke out also in the jail, owing to the river from which water used to be supplied to the jail, having got contaminated.

Murshidabad.—There was, as usual, overcrowding at times in the under-trial ward, but this was relieved by the transfer of the excess number to a convict ward. There is no direct means of water-supply inside the jail. Half the total number of deaths were from ~~these~~ diseases, at first contracted outside and afterwards aggravated by confinement. The case of cholera had nothing to do with the state

Appendix—continued.

R. ABSTRACT of the SANITARY SHEETS of the most UNHEALTHY JAILS. SANITARY DEFECTS, IMPROVEMENTS, SUGGESTIONS, etc.

Rangpur.—Overcrowding lasted for a few days, due to large admissions from sub-jails. It was relieved by immediate transfer of prisoners to other jails. Drinking water was filtered and boiled before use. The surroundings of the jail are more or less jungly. As climate of this district is extremely malarious, almost all the inhabitants suffer from the sequelæ of malarial fever, and are predisposed to the attacks of dysentery and diarrhœa. During the latter third of the year, malarial fever raged throughout the district. A large percentage of the prisoners were admitted to the jail in bad or indifferent health.

Jalpaiguri.—The civil wards remained overcrowded only for a few days in August, but the *hajat* ward throughout the year. The excess prisoners had to be put in one of the dormitories. The ventilation of the female ward is bad, the yard being always damp and chilly. The kness has been chiefly due to malarial infection prior to admission. The majority of the prisoners are of poor physique, and the percentage of enlargement of the spleen among them is very high. Pasteur filter water is at present in use. The well was disinfected monthly with potassium permanganate.

Bankura.—The under-trial ward was overcrowded, and the excess number accommodated in one of the convict wards set apart for a purpose. The drain on the west of the jail is defective, and one on the south side is required. The drinking water is, as usual, obtained from the river when the wells in the jail dry up in the hottest months of the year, and water for other purposes was obtained from a public tank in front of the jail.

Angul.—Overcrowding lasted for about seven months. A small part of the workshed and half of the verandah had to be used for its relief. The sickness and mortality were due to the admission of a number of prisoners in a very bad state of health. A boiler for the drinking water has been fitted up.

Chaubassa.—There was overcrowding throughout the year in all the wards, especially in the female ward. A temporary ward and a workshed had to be erected to accommodate the excess prisoners. The health of the jail was bad, as a large percentage of prisoners were admitted in indifferent or bad health, owing, in a great measure, to the scarcity prevailing in the district. The excessive overcrowding was, no doubt, the cause of a large number of admissions for dysentery. In a few cases the disease may have been self-acquired, as eating the raw food stuff when husking *ddl* and rice. Mumps was also prevalent, brought into the jail by convicts from Bandgaon, where the disease was very common. Most of the prisoners from this place suffered in the jail, for some time, from malarial fever also. Pasteur filter water is at present in use.

Ranchi.—There was overcrowding during the whole year. Pneumonia became epidemic, owing apparently to the overcrowding; for the disease began to disappear when the excess prisoners were located in tents. Mumps and chicken-pox were introduced from the town, where these diseases were prevalent at the time. Malarial fever was due to admissions from malarious tracts in the district; dysentery to exposure and chill, when, on account of the excessive overcrowding, the prisoners were accommodated in tents.

Palamau.—There was overcrowding in all the wards for nearly ten months: therefore the verandah, where the oil-mills are fixed, had to be occupied at night. Cholera, dysentery, fever, and diarrhœa, which were prevalent outside, were common in the jail also. The largest number of deaths was due to cholera, introduced by new prisoners from the infected area. During this time diarrhœa occurred in the jail almost in an epidemic form. During the rains seasonal fever occurred to a great extent. Scarcity and insufficient food were the chief predisposing causes of the prevailing diseases.

Darbhanga.—The capacity of the jail was remeasured and reduced from 402 to 355. The female ward and the segregation ward were overcrowded. The outside drainage is defective. A considerable improvement was made in the diet by drying and storing vegetables in the cold weather for use during the hot weather and rains. The sickness and mortality were largely due to causes outside, and to the fact that a large proportion of admissions to jail was of old, worn-out, and broken down men. A severe epidemic of cholera and a mild one of small-pox broke out in the district and town; and there also occurred plague cases amongst the district population. But, fortunately, none of these diseases occurred among the prisoners, a fact which, in the case of cholera, is attributable to the water-supply being good and under control. Quinine was issued as a prophylactic from 1st July to 27th September.

Motihari.—Overcrowding lasted over all the wards about the whole year, and was relieved by using workshops, verandahs, and tents. The year was a very unhealthy one; and the general health of the prisoners was invariably very poor on admission to jail. A very severe epidemic of cholera prevailed throughout the district, which gave rise to an outbreak of the disease in the jail also.

Chupra.—There was overcrowding throughout the year. The buildings are old with low plinths, so that the prisoners have to sleep very close to the ground. The jail enclosure is surrounded on three sides by the bazaar. The country round becomes water-logged during the rains and thus tends to the development of malarial fever. As the year has been a very unhealthy one, most of the sickness and mortality might be due to the prisoners having been admitted in indifferent health. Cholera appeared in the jail in July, and was probably introduced by a prisoner working outside. The system of water-supply is very complicated; and in spite of every care, there is no doubt that the water becomes contaminated at some point. Plague has raged with varying severity in the town, and, even close round the jail, was, almost throughout the year, causing a large number of attacks and deaths.

Darjeeling.—The under-trial ward was overcrowded for some months, and the excess number had to be accommodated in the convict wards. The hill-men are generally very dirty, and it is very difficult to keep them clean. The sickness was due to climatic causes, and to the bad or indifferent health of a large number of prisoners before admission to jail. The municipal water-supply is insufficient and intermittent. A shed for segregating cholera and small-pox patients is badly wanted.

NORTH-WESTERN PROVINCES AND OUDH.

Azamgarh.—There was slight overcrowding in the female ward for nearly eight months. Malarial poisoning was the cause of ague and probably, to a large extent, also of anæmia. Pneumonia and bronchitis were probably due to changes of temperature. Diarrhœa and dysentery may have been caused by unsuitable diet in the case of prisoners subject to these affections. Previous attacks of malarial fever and changes of temperature were the predisposing causes of these diseases. The contagion of mumps which was present in the jail in 1899, remained for a part of 1900 also. Ringworm had invariably been contracted outside before admission to jail. Debility was chiefly due to old age and malarial poisoning. Abscess, ulcer, and boil were usually due to local infections. One cholera-germ destructor for burning the stools of dysentery patients has been purchased.

Kasbi.—Overcrowding lasted almost throughout the year. The sickness and mortality were due to the bad state of health of the prisoners when admitted to jail. The diseases in the cases that died in the jail hospital, had actually been contracted by the men outside before admission. There is no separate hospital accommodation in the jail, as a consequence of which the diarrhœa and dysentery patients have to be confined in the same barrack with healthy prisoners.

Bethares District.—There was overcrowding for only three days. Malarial fever and dysentery were probably climatic.

Mirzapur.—Overcrowding lasted only for a few days. The capacity of the jail has been recalculated and reduced from 352 to 200. The sickness was due to the site of the jail being bad and the surroundings insanitary. The malarial fever was most probably owing to the prisoners admitted to jail with the disease. A Larymore boiler has been erected, and the drinking water is now boiled before use.

Allahabad District.—There was overcrowding for nearly a month and a-half; and a factory and some tents had to be temporarily used for sleeping accommodation. The sickness among the prisoners has been greater than in the preceding year. This was undoubtedly due to the exceedingly feeble health of prisoners before admission, owing to severe scarcity, and consequently to insufficient food. Dysentery and diarrhœa were mostly owing to bad or under feeding outside; malarial fever to the unusual dampness of the season, particularly towards the end of the rains; anæmia and debility, in most cases, to the bad state of health of the prisoners when admitted. Abscess and boil were probably contracted outside, as the population at large suffered in general at the time from these diseases, owing to the excessive heat of the weather. Phthisis is attributable to the exceedingly bad state of health of the prisoners, most of whom were admitted with the disease. Cerebro-spinal fever became epidemic in December, having originated in the jail: the prompt segregation of the patients stopped the spread of the epidemic. The presence of a large village near the jail, is a source of danger at the time of the prevalence of epidemics.

Banda.—There was overcrowding in August, September, and October. The drainage within the jail walls is not good. The drinking water is boiled before use. Malarial fever is attributable to the usual causes. No particular cause can be given for diarrhœa, dysentery, and pneumonia. Heat-stroke, sun-stroke, and heat apoplexy were due to strong westerly winds, having occurred chiefly in the buildings which were exposed on the west side. This danger has now been obviated by partially closing the openings, and by the use of screens to

Appendix—continued.

R. ABSTRACT of the SANITARY SHEETS of the most UNHEALTHY JAILS. SANITARY DEFECTS, IMPROVEMENTS, SUGGESTIONS, etc.

blocks, and by providing iron gratings at the ends of the buildings. The construction of a large drain outside the jail to improve the surface drainage has been sanctioned. The estimates for improved ventilation and water-supply are under consideration. The sickness and mortality were possibly due to the overcrowding above referred to, and to the bad water-supply. The Inspector-General of Civil Hospitals, North-Western Provinces and Oudh, made the following remarks at his inspection:—"The general sanitary condition of the jail is unsatisfactory. There is no provision against the pollution and contamination of the water-supply which is drawn from a polluted sub-soil, saturated with the filth of the latrines. These latrines, by reason of their very close proximity to the well cylinder and to the mill-house, are quite a danger to the general health of the jail." The increased mortality was especially due to the outbreak of cerebro-spinal fever, to which although no definite cause can be assigned, still the very unhealthy nature of the too old structure of the jail premises (constructed in 1829) may have contributed. The seven drinking water cisterns have been very well conserved and provided with brass taps; another cistern and a small bathing platform were constructed in the factory outside the jail; the floors of all the barracks and factories were dug up and replaced by fresh earth; all the plaster and the mud-work were scraped off the walls and roofs of the jail buildings, and then the walls and the roofs were thoroughly disinfected and lime-washed; and the hospital was provided with *pucca* flooring. The sinking of a large well in the central enclosure away from the latrines, and the provision of a suitable pumping apparatus are recommended.

Oral.—There was slight overcrowding in May, June, July, August, and October. Almost, all the barracks for the male prisoners, as well as the *hawalat* ward were overcrowded to a certain extent for five months. Of the seven total deaths, the first three were purely accidental; another was due to phthisis, having occurred in a person admitted with the disease; and the last three were owing to malarial fever and its sequelae, nearly the whole of the district being malarious.

Cawnpore.—Overcrowding lasted for nearly four months. Tents had to be used for the accommodation of the surplus population. The sickness and mortality in the jail were due to outside causes. Malarial fever was prevalent owing to the decidedly unhealthy condition of the city, consequent upon very bad drainage and poor conservancy. Influenza was rife everywhere, all kinds of grain were very dear. The water-reservoirs were roofed and provided with taps to prevent contamination of the water-supply.

Gonda.—There was crowding in the 'habitual' barracks in February, and in the 'non-habitual' barracks in March and August. A considerable proportion of the prisoners were admitted to jail in indifferent or bad health. The sickness and mortality cannot be attributed to any unfavourable influences in the jail. Pneumonia was, no doubt, due to chill. The Burwar prisoners, who were generally admitted in bad or indifferent health in consequence of their careless mode of life, were liable to bowel affections from very slight causes. The water cisterns in the barrack yards have been properly roofed and provided with taps; and a closed tank with taps has been added to the Larymore boiler in the hospital enclosure. There was insufficiency of vegetable-supply during the hot weather.

Mainpuri.—There was overcrowding in nine barracks during May, June, July, September, and December. The sickness and mortality in the jail were, almost in all cases, due to the bad or indifferent state of health of the prisoners prior to admission.

Etab.—Overcrowding lasted almost throughout the year in the barrack for the female prisoners, as well as in four other barracks. The excess prisoners had to sleep in the factory for over two months. The surrounding drainage outside the jail is defective. The health of the prisoners was not worse than that of the free population; the admissions into hospital were principally due to the sickly condition of the prisoners when brought to jail; and the majority of the prisoners benefited in health after admission to jail.

Bareilly District.—All the barracks were overcrowded for four months in the year. During the rains, certain barracks had to be used as factories in the day time, and also occupied at night. There are three tanks in front of the jail which probably serve as breeding grounds for mosquitoes. There was more sickness in the jail this year, owing entirely to the bad state of health of the prisoners previous to admission to jail in consequence of the famine prices of food grains. Dysentery was due partly to infection by flies, and partly to the disease having been frequently introduced by persons who had had previous attacks; influenza to its own specific germs and the carriage of infection by flies; pneumonia to the germs of influenza and to the pneumococcus; ague to *Plasmodium malarie*, this disease, in most cases, having been contracted in the 'Terai', Pilibhit, and the northern parts of the Bareilly District; tubercle of the lungs to the tubercle bacillus acquired outside; diarrhoea to chills; and abscess to the action of the pyogenic organisms on constitutions weakened by malaria.

Dehra Dun.—The sickness in the jail was, as usual, principally due to malaria.

Jhansi.—There was slight overcrowding in all the wards at the beginning of the year. Tents and some of the workshops had to be temporarily used as barracks. The ventilation is defective, owing to the great height of the main walls; and sanction has been obtained to lower their height. The high sick and death rates were, to a large extent, due to the transfer of most of the healthy prisoners to other jails, and to the keeping of only the old, weak, and sick prisoners in this jail. Besides, the sickness was partly due to the very bad state of health of an unusually large number of prisoners prior to admission, consequent upon the presence of famine in the district, and partly to the occurrence of cases of cerebro-spinal meningitis, cholera, and heat-stroke. In the case of cholera, the disease was contracted outside before admission to jail.

Lalitpur.—Malarial fever was prevalent, owing to the malarious climate of the country, as well as to the existence of a sort of predisposition of the prisoners to this disease through repeated previous attacks prior to admission; cholera to the prevailing epidemic in the town close by; respiratory affections to the sudden variations of temperature very common in this district; and venereal disease to infection previous to admission. Eye diseases were directly attributable to the prevalence of dust-storms in summer. Debility and sun-stroke occurred in prisoners of constitution, extremely debilitated at the time of admission to jail.

Puri.—Although this jail is situated in a very healthy place, some cases of malarial fever occurred from the action of the sudden change to a cold climate on men who had the malarial poison in them.

PUNJAB.

Delhi.—There was overcrowding, particularly in the female wards, for five months. Two large tents, as well as the old lunatic asylum buildings, were temporarily required to accommodate the excess population. The health of the prisoners was bad, owing to previous starvation. Malaria prevailed, owing to the excessive rainfall, and a large proportion of convicts were admitted suffering from anæmia and enlarged spleen. Many deaths were due to pneumonia, dysentery, and diarrhoea. These diseases occurred largely as complications of malarial fever, but, doubtless, infection played a part. The water, which is drawn from a well, is not very good. A scheme for the supply of municipal water is at present in hand.

Karnal.—Overcrowding lasted in the female ward for nearly two months. The short term prisoners had to sleep in the old paper factory. The barrack for the female prisoners is badly ventilated, and the yard is too small. The presence of famine in certain parts of the district and the prevalence of a very severe epidemic of malarial fever in several adjoining districts as well as in this, caused much sickness and mortality.

Lahore Central.—Tents were used to relieve overcrowding, which was very slight. Ague was more prevalent than in the preceding year, due probably to favourable conditions existing for the development of the malarial parasite. The reduced vitality of the prisoners, through repeated attacks of malarial fever, was a predisposing cause of the occurrence of dysentery and diarrhoea. The absence of pneumonia is attributable to better ventilation having been insisted on. The following measures were adopted to prevent ague, which was decidedly the only cause of the anæmic condition of the prisoners: the issue of quinine and iron; close attention to food and clothing; the increase of the hospital accommodation and staff.

Lahore Female.—Ague was, as usual, the chief cause of sickness, and can only be attributed to the general malarial influences prevalent. Dysentery generally had a close connexion with malaria.

BOMBAY.

Sind Gang.—There was slight overcrowding for a few days in July, and the excess prisoners had to sleep in the open yard. The prevalence of malarial fever, especially in the rains, appears to have been due to the surrounding country being flat and sandy, and irrigated by canals.

Dhulia.—There was much overcrowding in all the wards to the extent of four times, and sometimes even more than five times, the number allowed by their respective capacities. Three workshops and four temporary sheds had to be used for the surplus population. Sickness was due to the climate and to the changes in the weather; as also to the presence of famine, and consequently to the emaciated condition of the prisoners at the time of admission to jail; to the excessive overcrowding; and to the scarcity of water.

Appendix—continued.

R. ABSTRACT of the SANITARY SHEETS of the most UNHEALTHY JAILS. SANITARY DEFECTS, IMPROVEMENTS, SUGGESTIONS, etc.

Yerowda Central.—There was general overcrowding, to relieve which five workshops used during the day had to be occupied also at night. Malarial infection in the jail was probably increased, through mosquitoes, from malarious patients from Kanara. Many of the cases of dysentery occurred in men who had suffered from the disease outside. In the case returned as enteric fever the diagnosis is doubtful. Ten of the men who died were ill or in bad health on admission to jail. Five cases of plague occurred, and the first four may have got the infection from a bale of wool.

Thana.—Overcrowding lasted throughout the year, and this may have had an unfavourable influence on the general health of the prisoners. Two barracks used as workshops during the day, were also occupied at night. The presence of a large marshy tract of land, which is passed over by the tidal wave from the Thana creek, leaving a very large amount of organic residue to rot and decompose, has always a very bad effect upon the health of the prisoners.

Bombay Common.—The prison, as well as its neighbourhood, was overcrowded during the whole year. Unfortunately the inmates of the jail suffered much from relapsing fever. There was also plague, due to infection from the crowded vicinity, where the disease was very prevalent. All the manure has been removed from the jail, and the gardening stopped.

BERAR AND SECUNDERABAD.

Yeotmahl.—Overcrowding lasted for over five months and a-half. Two barracks, the under-trial ward, certain workshops, and even a wing of the jail hospital, had to be used to accommodate the excess prisoners. The prevalence of famine in the district had undermined the health of the convicts before admission to jail; consequently, several prisoners had, on admission, to be sent at once to the hospital.

Ampaoti Central.—There was overcrowding for seven months. The extraordinarily high sick and death rates were due to an epidemic of influenza during the early part of the year, complicated with a peculiarly fatal form of pneumonia; to a small outbreak of cholera; to the prevalence of famine in the province affecting the health of the newly-admitted prisoners; and to the exceptional unhealthiness in the rains. The European population suffered, to a remarkable extent, from liver and bowel complaints. Jaundice appeared to be epidemic in the jail as well as in the district. Acute types of diarrhoea and dysentery also prevailed. The use of old *jowari* grain is believed to have told severely upon the health of the convicts. The substitution of wheat for *jowari* brought about great beneficial results.

Akola Central.—Overcrowding lasted during the whole year. The excess population had to sleep in the workshops. Scurvy cannot be ascribed to the want of vegetable-supply, as there has been sufficient issue of potatoes, onions, and other vegetables to the prisoners throughout the year. The importance of the occurrence of tubercular disease in the jail is minimized by its prevalence in the local police. It is not known how cholera gained access to the jail, but it may safely be said that the water-supply played no part. Dysentery prevailed in the wet and changeable months, and some of the cases of diarrhoea were cases of "famine diarrhoea."

Basim.—There was overcrowding nearly the whole year. Tents and two workshops had to be used for sleeping accommodation. All the cases of fever showed more or less previous malarial vitiation, predisposing the patients to subsequent attacks. Cases of dysentery and diarrhoea occurred, especially in the rains, which were not amenable to drugs or dieting.

* CENTRAL PROVINCES.

Saugor.—Overcrowding lasted for about four months, and was relieved by placing the excess prisoners in the workshops at night. The sickness was chiefly due to climatic causes, and also to privation before admission to jail in consequence of the prevalence of famine in the district. No cause can be assigned for the occurrence of cerebro-spinal fever in the jail.

Sambalpur.—There was overcrowding in all the wards, more or less, throughout the year. The workshops, as well as tents, had to be used at night. The sickness and mortality are attributed to the special unhealthiness of the year, as well as to privation consequent upon the presence of famine. The epidemics of small-pox, chicken-pox, and cholera, were, all of them, probably imported from outside.

Raipur Central.—Overcrowding lasted for over nine months. The excess population had to sleep in tents. Malaria was prevalent through privation, due to the prevailing famine. Cerebro-spinal fever accounted for most of the fatal cases in the jail.

Balaghat.—There was overcrowding in all the wards for eleven months. The sickness was chiefly due to the indifferent or bad health of the prisoners on admission, which predisposed them to attacks of dysentery and diarrhoea.

Seoni.—The sickness and mortality were almost entirely confined to the recent admissions. Many prisoners were admitted in a very bad state of health, suffering from dysentery or diarrhoea, through unwholesome food, owing to the prevalence of famine. Cholera was due solely to the bad milk-supply. Tubercle of the lungs was mostly in men who had suffered from the disease outside.

Chhindwara.—Overcrowding lasted for three months. The excess prisoners slept in the workshops. The ventilation in only one barrack requires to be improved. The sickness was mainly owing to chills and exposure during the rains. Malaria caused a few admissions, but diarrhoea was the chief cause of mortality.

Hoshangabad.—Overcrowding lasted for eight months, during which time the factory shed had to be occupied also at night. Malaria was due to climatic influences. Howel complaints occurred in famine-stricken convicts.

Nimar.—There was overcrowding for nearly six months. One workshop had to be used at night. Malarial fever prevailed, through infection, before admission to jail. Some mild attacks of diarrhoea and dysentery were produced by chills during the rains.

Betul.—Overcrowding lasted during the whole year. The high mortality was due to the excessive sickness consequent upon the prevalence of famine. The majority of the deaths were owing to dysentery, and mostly in prisoners who had had to be sent directly to the hospital on admission to jail.

Bhandara.—Overcrowding lasted for over six months, and was relieved by using the workshops for sleeping accommodation. The sickness and mortality can only be attributed to the general unhealthiness of the season on account of the scarcity of food-articles and water in the district, as also to exposure during the rains.

Wardha.—There was overcrowding in the prison for about two months, and in the under-trial ward for eight months. Another ward and a workshop had to be used to accommodate the extra population. The fever was due to malaria, and prevailed in spite of the daily prophylactic issue of quinine. The bowel complaints were probably owing to the weak state of health of the prisoners and to chill. Nearly all the patients who died were admitted to jail in bad or indifferent health. The drinking water is boiled before use. The iron frums in which the water is kept after boiling and cooling, have been provided with taps and locks to prevent contamination.

RAJPUTANA.

Ajmer Central.—The jail was overcrowded in all the wards throughout the year, to the extent of twice the number allowed by its capacity. Four wards used during the day and some tents had to be used at night. Most of the fatal cases were in prisoners who were admitted to jail in a very weakly state of health in consequence of the great scarcity of food-grains during the year.

MADRAS.

Cannanore Central.—The sickness and mortality were due to climatic effects. Many prisoners, on admission to jail, presented symptoms of intestinal worms, while many others suffered from various kinds of skin affections.

Vizagapatam.—Overcrowding lasted all the year round. The sickness and mortality were owing to the semi-starvation of the majority of the prisoners before admission to jail, due to the scarcity prevalent in the hill tracts. In fact many lives were saved by confinement in jail. Enteric fever was contracted prior to admission.

SUPPLEMENT TO THE GAZETTE OF INDIA, DECEMBER 21, 1901.

RAINFALL DIVISION WITH REPRESENTATIVE STATION.	Rainfall sub-division named after representative station.	RAINFALL DATA FOR WEEK ENDING ON 19TH DECEMBER 1901.			RAINFALL DATA FROM 1ST NOVEMBER TO 19TH DECEMBER 1901.			SEASONAL PERCENTAGE VARIATION.	
		Average actual rainfall.	Average normal rainfall.	Excess or defect in inches.	Average actual rainfall.	Average normal rainfall.	Excess or defect in inches.	This week.	Last week.
		Inch.	Inches.	Inches.	Inches.	Inches.	Inches.		
Burma Coast (Rangoon)	...	0	0'03	-0'03	0'15	0'35	-0'20	-72	-67
Burma Wet (Bhamo)	...	0'01	0'16	-0'15	0'05	0'30	-0'25	-73	-58
Burma Dry (Mandalay)	...	0	0'24	-0'24	0'05	0'35	-0'30	-58	-10
Delta of Bengal	{ Narayanganj	0	0'08	-0'08	0'05	0'28	-0'23	-100	-100
	{ Calcutta	0	0'03	-0'03	0'05	0'14	-0'09	-100	-100
Brahmaputra Valley (Sibsagar)	...	0	0'04	-0'04	0'05	0'24	-0'19	-38	-25
Himalayas and Sub-Himalayas East.	{ Dinajpur	0'18	0'04	+0'14	0'15	0'09	+0'06	+100	-100
	{ Durrbaniga	0	0'05	-0'05	0'05	0'16	-0'11	-100	-100
	{ Bahraich	0	0'07	-0'07	0'05	0'13	-0'08	-100	-100
Indo-Gangetic Plain, East.	{ Burdwan	0	0'02	-0'02	0'05	0'08	-0'03	-100	-100
	{ Patna	0	0'08	-0'08	0'05	0'15	-0'10	-100	-100
Himalayas and Sub-Himalayas West.	{ Simla	0'03	0'28	-0'25	0'05	0'56	-0'51	-91	-91
	{ Ludhiana	0	0'18	-0'18	0	0'34	-0'34	-100	-100
Indo-Gangetic Plain, West.	{ Cawnpore	0	0'10	-0'10	0	0'17	-0'17	-100	-100
	{ Lahore	0	0'18	-0'18	0	0'29	-0'29	-100	-100
N.-W. Dry Area (Bikaner)	...	0	0'08	-0'08	0	0'15	-0'15	-100	-100
Baluchistan (Quetta)	...	0'01	0'14	-0'13	0'05	0'74	-0'69	-99	-100
East Coast, North	{ Waltair	0	0'13	-0'13	0'05	0'84	-0'79	-94	-91
	{ Cuttack	0	0'06	-0'06	0'05	0'29	-0'24	-100	-100
	{ Ranchi	0	0'06	-0'06	0'05	0'10	-0'05	-100	-100
East Satpuras	{ Raipur	0	0'08	-0'08	0'05	0'16	-0'11	-100	-100
	{ Jabalpur	0	0'25	-0'25	0'05	0'32	-0'27	-100	-100
Central India Plateau	{ Bansi	0	0'20	-0'20	0	0'31	-0'31	-100	-100
	{ Jhagpur	0	0'09	-0'09	0	0'19	-0'19	-100	-100
	{ Indore	0	0'04	-0'04	0	0'12	-0'12	-100	-100
West Coast	{ Calicut	0'09	0'54	-0'45	1'21	1'64	-0'43	-26	+
	{ Bombay	0	0	0	0'01	0'01	0	0	0
Gujarat	{ Ahmedabad	0	0	0	0	0'04	-0'04	-100	-100
	{ Rajkot	0'03	0'03	+0'01	0'03	0'05	-0'02	-40	-100
West Satpuras (Akola)	...	0	0'17	-0'17	0	0'27	-0'27	-100	-100
Deccan	{ Bellary	0	0'16	-0'16	0'05	0'43	+0'38	+100	+21
	{ Bijapur	0	0'07	-0'07	0	0'22	-0'22	-100	-10
	{ Hyderabad	0	0'03	-0'03	0	0'07	-0'07	-100	-10
South India	{ Mysore	0	0'05	-0'05	0'05	0'26	+0'21	+162	+22
	{ Madura	0'03	0'61	-0'58	1'01	1'66	-0'65	-3	+5
East Coast, South (Madras)	...	0'71	7'00	-1'29	7'87	5'92	+1'95	+33	+8

W. L. DALLAS,
for Meteorological Reporter to the Government of India
and Director General of Indian Observatories.

J. B. FULLER,
Secretary to the Government of India

GOVERNMENT OF INDIA
DEPARTMENT OF REVENUE AND AGRICULTURE.

Season and Crop Prospects for the week ending Saturday, the
14th December, 1901.

Madras.—The rainfall was heavy in the Carnatic and North Arcot, nil or light in the Coimbatore and the Deccan except Cuddapah, and fair to good elsewhere. Water-supplies are sufficient for cultivation except in parts of the Deccan. Ploughing, sowing and transplanting continue generally. Standing crops on the whole are in good condition. Harvesting is in progress with moderate yield. Pasture and fodder are sufficient. The condition of cattle on the whole is good. Prices are falling generally. Kitchen inmates—Cuddapah—men, 58; women, 190; children, 245; total, 495. Test workers—men, 477; women, 525; children, 80; total, 1,082. Grand total 1,579.

Bombay.—Very slight rain fell during the week in parts of Satara, Belgaum, Dharwar and Kanara. More rain is wanted in parts of Gujarat, the Deccan, Bijapur and Belgaum for cultivation of spring crops. Standing crops have been slightly damaged by rats in parts of Thar and Parkar, Ahmedabad, the Panch Mahals, Broach, Surat, Khandesh, Rajkot and Baroda, are suffering from insufficient moisture in parts of Nasik, Ahmednagar, Poona, Bijapur and Belgaum, and generally are in good condition elsewhere. Reaping of autumn crops is nearly completed in Karachi, Larkana, Hyderabad, Ahmedabad and Khandesh and is in progress in parts of Surat, Bijapur and Belgaum. Threshing is almost over in Thana and is in progress in parts of Sindh, Kolaba, Nasik, Ahmednagar, Poona, Satara, Dharwar, Belgaum and Kanara. Estimates of outturn of autumn crops generally are good in the Konkan and the Karnatak, fair in Sindh and the Deccan and moderate to poor in Gujarat. Cotton prospects generally are good in the Karnatak and fair in Surat, Broach, Baroda, Khandesh and Nasik. Picking continues in Khandesh, Surat and Rajkot. Preparations for the spring are in progress in parts of Kanara but have been stopped in the Panch Mahals and parts of Kaira owing to insufficient rain. Sowings for the spring have been completed in Kolaba and Nasik, are almost over in Shikarpur, Larkana and Thana and are in progress in parts of Hyderabad, Thar and Parkar, Ahmedabad, Kaira, Ratnagiri, Kanara, Wadhwan and Baroda. The fodder supply is sufficient except in parts of Karachi and Sholapur. Agricultural stock is in good condition and generally sufficient. Prices have risen in three districts, fallen in five districts and are stationary elsewhere. The relation of the prices of the principal staples to the normal and to the prices of 1900 remains substantially the same. Prices of cheapest food grain in pounds per rupee at head-quarters:—Ahmedabad, 37; Kaira, 33; Panch Mahals and Belgaum, 34; Sholapur, 40½; Ahmednagar, 36½; Poona, 29½; Bijapur, 34½. The physical condition of the people is reported to be good, fair or normal.

Daily average numbers on relief—BRITISH DISTRICTS—on relief works, 35,185; dependants, 2,138; total on works, 37,323. In poor-houses, 1,540; on village relief, 12,362; total on gratuitous relief, 15,902. Figures for Thar and Parkar are incomplete. NATIVE STATES—on relief works, 18,074; dependants, 660; total on works, 18,734. In poor-houses, 2,347; on village relief 449; total on gratuitous relief, 2,796; grand total, 74,755.

Bengal.—There was no rain during the week except very light showers in Dinajpur, Jalpaiguri, Darjeeling and Angul. All the districts in the Patna Division and also the districts of Barua and Hazaribagh are in need of rain for the spring crops. The harvesting of winter crops is in full swing. Sowing of spring crops has commenced in places. Prices are fair. The supply of fodder and water is sufficient. The price of rice has risen in six districts, fallen in twenty, and is stationary in the remainder.

North Western...
of rain in... but...

of rain in 1960. The spring

More than 100,000 acres have been reported to be infested in a few other districts and Gujrat. In Main Tal and white ants are also reported in parts of Budaun. Serious injury to the wheat crop in parts of Budaun. Sugarcane is being crushed. Irrigation is in progress. Markets are full and prices are, on the whole, stationary.

Parish - There was a slight fall of rain in the
autumn crops is nearly over. Cotton pick-

pressing and in progress. Sowings of spring crops down to the 15th of March. The condition and prospect of standing crops on irrigated and unirrigated areas. Seeds have germinated well on irrigated areas.

Crops on dry land poor. Seeds have germinated. Rain
Crops on irrigated lands are withering for want of rain in Gurgan. Salted. Main
The output of grain throughout the province. The output of grain crops is
wheat and barley.

is urgently needed throughout the province. In parts of the Khyber Pakhtunkhwa and average on irrigated and poor on unirrigated lands. Cattle are generally in good condition but are being damaged by rats. In parts of Baluchistan and

condition. Fodder is sufficient in all districts except in Delhi. Prices of wheat are rising in Hissar, Gurgaon, Umballa, Ferozepore, Meerut, Delhi, Gujrat and Rawal Pindi and are

Mooltan and Shahpur, are falling in Delhi, Gujarat and other food staples are also fluctuating. The prices of other food staples are also fluctuating. unchanged elsewhere. The cheapest grains in the following districts are,—

The prices per rupee of the cheapest grain are: Gurgaon, barley 15 seers. Hissar, gram 20 seers, Rohtak, great millet 20 seers. In the Bhiwani district relief operations have been started on 16th January.

Test works and gratuitous labour will also be started in the Jhajjar tahsil of the Hissar district, and unless good rain falls before the end of the season, the same will also be started in the Jhajjar tahsil of the Hissar district.

North-West Frontier.—No rain fell throughout the province. Wheat and other crops on dry land are retarded by want of rain.

The condition of crops generally is good in Peshawar, of irrigated crops average yield is 1000 lbs. per acre. In Dera Ismail Khan, the average has been 1200 lbs. per acre. The condition of crops is good in Dera Ismail Khan. The condition of crops is good in Dera Ismail Khan. The condition of crops is good in Dera Ismail Khan.

and of aggregated below average in the district. The state of agricultural stock is good. The price of wheat is falling done to crops. The state of agricultural stock is good. The price of wheat is falling procurable in Dera Ismail Khan. The price of wheat is falling and maize 20 to

in Peshawar. Wheat is selling from 14 1/2 to 18, grain 16 to 18, and
at 1000 per rupee.

Burma.—LOWER BURMA.—Reaping of early wet weather paddy is in progress in the following districts:—
 Mandalay.—Reaping of the main crop has been commenced in four districts. Reaping of early wet weather paddy is in progress in the following districts:—

Crop prospects continue good. UPPER BURMA.—Reaping paddy continues. Ploughing and sowing of dry weather paddy is in progress. Miscellaneous crops are still going on.

Plucking of cotton and cultivation of miscellaneous crops generally in progress.
No rain has fallen during the week. The state of standing crops generally is fair. Withered crops on uplands in Pao-tzu and Mandalay.

fair but most of rain has withered crops in
and in North Yamethin crops are believed to have suffered from the same
and peas have failed in parts of Sayang and in Myingyan

Paddy in the Mogaing tract has failed and the other crops are poor, the
later rains being scanty. The price of paddy has fallen at Rangoon and Bhamo.

and has risen to Thayetmyo. No rain has fallen since the 1st of May. There has been about

Central Provinces.—No rain has fallen since the 1st inst. since which time the weather has been occasionally, and rain is portended. The harvest of grain crops has been good, and the operations are proceeding satisfactorily. The districts of Jabalpur and Bilaspur are the best crops.

completed in 1941. Cotton picking continues generally in progress. The early cessation of work

to good care of the insects. The insects are kept in the same place as the plants, and are fed with the same food. The insects are kept in the same place as the plants, and are fed with the same food. The insects are kept in the same place as the plants, and are fed with the same food.

to have a... Raipur... gram 16...

rice 17 and *juar* 95 seers per rupee. The highest prices are—wheat 8½, gram, 17, rice 7 and *juar* 14½ seers per rupee.

Assam.—The weather was cold. The rice crop is nearly finished and its outturn is good. The weather is cold everywhere. Pruning of tea, and the sowing of rice and sugarcane are in progress. Prospects are good for rice and sugarcane. Sowing of mustard and pulses in Lakhimpur. Fodder is good in the Khasi and Jaintia hills and in parts of Kamrup. Prices—common rice—Sylhet 17½, Silchar 16, Shillong 15, Nowgong 11½, Dhubri, Gauhati and Dibrugarh 11 and Tezpur 10 seers per rupee.

Mysore.—The rainfall in the Civil and Military Station was 60 cents. Good rain fell in Bangalore and Kolar. Standing crops are in good condition generally throughout the province. Paddy and *ragi* are being harvested in various parts and in other parts paddy and Bengal gram are being sown. Prospects are good in Bangalore, Mysore and Tumkur and fair in Kolar, Hassan and Chitaldrug. Prices are steady in Mysore, Kolar, Tumkur and Chitaldrug, have slightly fallen in Kadur, and slightly risen in Bangalore and Hassan. Cattle generally are healthy. Water and fodder are available. **COORG.**—The rainfall amounted to 49 cents. Harvesting of rice has been commenced. Coffee picking continues. Prices of food grains are stationary. Water and fodder are sufficient.

Berar.—The weather was cold. Standing crops are in good condition. Fodder and water are sufficient for requirements. Prices are almost steady.

Hyderabad.—The rainfall during the week was one cent. The total from 1st January is 21 inches 5 cents. The castor seed crop has been benefited by the week's rainfall in Nalgundah taluka. Standing spring crops are in fairly good condition. Sowing of winter rice continues in parts. Grain prices are fairly stationary. Prices—wheat 5½, coarse rice 8, and *juar* 17½ seers the rupee.

Rajputana.—There was no rain during the week. Sowings continue except in Kherwara, and are nearing completion or have been completed in Marwar, Jaisalmer, Kotah, Jhallawar. Crops are being irrigated in Haraoti and Tonk. Cultivators are busy in protecting and irrigating crops in Bharatpur. In Bikanir collection of fodder and grass continues. Standing crops are in good condition in villages watered by the Ghaggar Canal in Bikanir and Jaisalmer, Alwar, Bharatpur, Karauli, fair in Sirohi, Kotah, Jhallawar and Dholepur. Damage by rats continues in Bikanir and by rats and insects in parts of Kishengarh. Crops have been damaged by rats, locusts and insects in Mewar and parts of Kotah. Cotton picking and poppy cultivation are in progress in Jaipur. Agricultural stock and fodder generally are sufficient. Prices are slightly rising in Bharatpur, falling in Marwar, Mewar, Tonk and Kishengarh, and are steady elsewhere. Cheapest prices average 11·8 to 25·9 seers the rupee. Prices of cheapest food grains in tracts or States threatened with distress—Bikanir 13 to 17, Jaisalmer 12, Marwar 14 to 16, Sirohi 13, Kherwara 11·8, Jaipur 20·1, Kishengarh 17½ seers the rupee. Number of labourers on relief works on the last day of the week in Marwar 719. Gratuitous relief in orphanages 98 in Marwar, Sirohi and Jaisalmer.

Central India.—No rain fell in Central India during the week. Agricultural operations are in progress in all Agencies. Standing crops are in good condition in Bundelkhand and Baghelkhand, fair in Bhopal, Bhopawar and Indore, and indifferent in Malwa. Crops have been damaged by locusts in Gwalior, by drought and insects in Bhopal, by rats in Malwa, and by rats and insects in Bhopawar and Indore. Opium sowings are in progress in Gwalior, Bhopal, Bhopawar and Indore. The state of agricultural stock and pasturage generally is good. Prices are steady in Gwalior, Bundelkhand, Malwa and Indore, falling in Bhopal, and better in Bhopawar. Average prices—Gwalior 14·12 to 24·2, Bundelkhand 20·1 to 24·2, Malwa 14·12 to 24·2, and Indore 7½ to 20,

seers the rupee. Prices in seers per rupee in distressed areas—Sehore, *juar* 18, *makka* in Dhar and Jobat 17½, Barwani 15½, Alirajpur 15, Manpur 19½. Number on relief works at Rutlam 240; gratuitously relieved—Jaora, 40; Rutlam, 37; total 77; grand total 347.

Bhopal.—The weather is bright and is becoming colder. The outturn of the *bajri* crop is normal. The *barley* crop is also normal. The weather for the spring continues, but prospects are gloomy because of the want of moisture and the ravages of rats. Water in wells and tanks has decreased. The condition of agricultural stock is satisfactory. Prices—*bajri* 27, *barley* 21, rice, superior, 13, rice, inferior, 21 pounds per rupee. Number on relief works, 19,004; gratuitous relief, 10,720; total 29,724.

Kashmir.—The weather was bright and is becoming colder. Prices are normal. Rice sells for 22 seers the rupee.—**JAMMU PROVINCE.**—No rain fell during the week. The condition of the standing crops is good on irrigated areas but they are suffering on unirrigated areas. Rain is badly wanted. Fodder is sufficient. Prices are fluctuating. Wheat sells from 15 to 28 and maize from 35 to 45 seers the rupee.

Nepal.—There was no rain during the week. The weather is fine, cold and frosty. Wheat and barley are being sown. The price of rice is 9½ seers for the rupee.

The number of persons in receipt of relief during the preceding and present weeks in each Province is shown in the following table:—

Name of Province.	PRECEDING WEEK. (REVISED FIGURES.)			PRESENT WEEK.			Increase or decrease.
	Relief works.	Gratuitous relief.	TOTAL.	Relief works.	Gratuitous relief.	TOTAL.	
British Provinces.							
Madras	1,187	475	1,662	1,480	480	1,960	+ 102
Bombay and Sind	27,252	16,305	43,557	27,340	16,642	43,982	+ 9,608
Total British Provinces	28,439	16,780	45,219	28,820	17,122	45,942	+ 9,365
Native States.							
Rajputana States	371	97	468	779	98	877	+ 340
Central India States	188	780	968	200	79	279	+ 657
Bihar	17,077	10,934	28,011	17,044	10,740	27,784	+ 1,015
Bombay Native States	19,785	2,750	22,535	20,704	2,750	23,454	+ 983
Total Native States	36,321	14,557	50,878	38,727	13,667	52,394	+ 4,702
GRAND TOTAL	64,760	31,337	96,097	67,547	30,789	98,336	+ 11,367

J. E. FULLER,

Secretary to the Government of India.

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.
(FAMINE.)

Return of the number of persons in receipt of relief in districts affected by scarcity.

—The figures are compiled from returns obtained from Local Government and Political Officers, and give the corrected District details of the total published weekly in the Crop and Weather Summary of the *Gazette of India*.
 labouring children and other dependants of relief workers are classed as on relief works when distinguished in the local returns from persons relieved in poor-houses or at their homes. Women relieved in their own trade are shown under "Gratuitous Relief."

Name of Province and District.	Population.	FOR THE WEEK ENDING THE 18TH NOVEMBER 1901.			FOR THE WEEK ENDING THE 23RD NOVEMBER 1901.			FOR THE WEEK ENDING THE 30TH NOVEMBER 1901.			FOR THE WEEK ENDING THE 7TH DECEMBER 1901.		
		Relief works.	Gratuitous relief.	Total.	Relief works.	Gratuitous relief.	Total.	Relief works.	Gratuitous relief.	Total.	Relief works.	Gratuitous relief.	Total.
Madras.													
Madras.	1,291,903	1,653	587	2,190	1,548	495	2,043	1,524	502	2,026	1,187	495	1,682
AL MADRAS	1,291,903	1,653	587	2,190	1,548	495	2,043	1,524	502	2,026	1,187	495	1,682
Bombay.													
Medabadi	795,094	...	3,752	3,752	189	3,860	4,049	485	4,478	4,963	2,867	4,966	7,833
Medabadi	715,125	...	165	165	...	279	279	444	203	647	774	483	1,257
Medabadi	261,870	1,809	29	1,838	3,199	83	3,282	5,160	38	5,198	7,911	49	7,960
Medabadi	720,978	9,856	134	9,990	6,753	828	7,581	3,734	762	4,496	3,023	704	3,727
Medabadi	837,774	5,868	8,654	14,522	6,173	7,973	13,146	5,170	7,615	12,785	5,010	7,314	12,324
Medabadi	735,041	14,048	5,072	19,120	12,239	4,783	17,022	8,380	3,037	11,417	7,667	2,706	10,373
Medabadi	994,209	1,611	2,294	3,905	1,423	4,660	6,083	1,067	1,331	2,398	...	...	...
Medabadi	1,113,426	...	23	23	...	15	15	...	14	14	...	11	...
Medabadi	364,168	...	...	...	...	...	...	...	29	29	...	72	...
TOTAL BOMBAY	6,538,285	32,692	20,131	52,823	28,976	22,431	51,407	24,440	17,507	41,947	27,252	16,305	43,557
BRITISH PROVINCES.													
BRITISH PROVINCES	7,830,188	34,345	20,868	55,013	30,524	22,926	53,450	25,961	18,009	43,973	28,439	16,800	45,239
Central India States.													
Central India States	1,099,000	...	664	664	...	664	664	...	664	664	...	664	...
Central India States	84,000	...	62	62	...	59	59	...	53	53	...	56	...
Central India States	83,000	...	46	46	...	115	115	20	176	196	189	96	...
TOTAL CENTRAL INDIA STATES	1,266,000	...	772	772	...	838	838	20	893	913	189	786	...
Baroda.													
Baroda	2,415,396	17,025	9,722	26,747	16,417	9,871	26,288	17,117	10,067	27,184	17,977	10,732	...
Bombay Native States.													
Kathiawar	2,752,404	6,921	1,242	8,163	7,267	1,384	8,651	7,753	1,491	9,157	8,398	1,589	...
Palanpur	645,526	2,141	374	2,515	3,140	441	3,581	4,623	525	5,148	5,751	567	...
Rewa Kantha	733,506	59	52	111	409	51	460	1,520	53	1,573	884	53	...
Aundh	65,146	46	24	70	29	24	53	29	24	53	...	...	...
Jamkhandi	192,162	1,263	320	1,583	1,070	314	1,384	1,059	307	1,366	1,103	302	...
Daphlapur	8,343	51	7	58	48	7	55	46	7	53	44	7	...
Miraj (Junior)	35,487	13	...	13	13	...	13	12	...	12	13	...	...
Sangli	238,945	863	...	863	801	65	866	732	67	799	780	68	...
Mudhol	61,815	835	770	1,605	938	770	1,706	776	756	1,532	812	164	...
TOTAL BOMBAY NATIVE STATES	4,643,334	12,414	2,789	15,203	13,713	3,036	16,749	16,550	3,143	19,693	17,765	2,750	...
TOTAL NATIVE STATES	8,324,730	20,430	13,283	33,713	30,130	15,271	45,395	33,687	14,103	47,790	35,950	11,268	...
GRAND TOTAL BRITISH PROVINCES AND NATIVE STATES													

STATEMENT OF APPROXIMATE GROSS EARNINGS OF INDIAN RAILWAYS.

N.B.—As regards the figures in column *Total earnings*, audited figures have been used as far as possible.

RAILWAY.	RESULTS OF WORKING DURING 2ND-HALF OF YEAR.										RESULTS OF WORKING FOR OFFICIAL YEAR.						
	AVERAGE EARNINGS PER MILE PER WEEK.		Mean mileage worked.		Total earnings for week ending.		Earnings per mile open for week.		Total earnings from 1st July to		Increase.		Total earnings from 1st April to		Increase.		
	During 2nd-half of 1900.	During official year 1900-01.	1900.	1901.	8th December 1900.	7th December 1901.	1900.	1901.	8th December 1900.	7th December 1901.	R	R	8th December 1900.	7th December 1901.	R	R	
	R	R	Miles.	Miles.	R	R	R	R	R	R	R	R	R	R	R	R	R
State and Guaranteed Railways.																	
Bihar	667	669	1,873	1,873	13,744,468	14,96,000	734	799	2,904,836	3,09,688,000	19,19,394	...	46,655,999	4,60,66,000	...	27,00,001	...
Bombay	201	188	139	139	23,198	28,000	167	201	6,674,58	6,88,000	30,542	1,67,412	9,77,381	10,15,000	...	37,419	...
Calcutta	148	174	1,566	1,607	2,313,340	2,18,000	148	136	48,79,412	47,12,000	...	...	92,55,575	80,96,000	...	...	11,59,575
Central India	392	472	1,561	1,561	9,88,024	9,42,000	633	603	1,20,60,303	1,20,34,000	8,75,697	...	2,16,67,675	2,34,13,000	...	37,47,325	...
Delhi	181	215	872	872	2,02,845	1,70,000	233	195	33,39,975	30,12,000	...	3,27,875	62,32,789	56,16,000	...	...	6,16,789
East India	316	310	21	21	4,651	5,100	221	246	1,34,275	1,06,000	...	28,275	2,38,820	1,81,000	...	...	57,820
Gandhinagar	189	196	3,079	3,126	6,54,353	8,06,000	213	238	1,31,51,067	1,79,77,000	48,25,033	...	2,00,79,251	2,01,90,000	...	82,10,749	...
Gandhinagar	189	209	1,115	1,115	2,19,436	2,28,000	197	204	42,82,607	52,52,000	9,69,391	6,19,138	7,87,186	80,88,000	...	15,00,514	...
Gandhinagar	450	390	843	854	3,77,223	3,34,000	459	391	86,10,138	79,91,000	...	...	1,20,66,139	1,13,10,000	...	...	7,56,136
Gandhinagar	632	693	461	461	3,41,843	3,19,000	742	692	65,10,045	53,06,000	46,199	12,04,045	1,14,61,201	1,07,47,000	...	...	7,14,201
Gandhinagar	253	259	844	874	2,04,450	2,07,000	242	237	47,76,861	48,75,000	...	...	70,40,132	76,32,000	...	35,868	...
Gandhinagar	142	152	493	508	77,411	98,000	157	193	15,20,667	10,40,000	10,940	...	2,19,233	3,13,100	...	6,97,519	...
Gandhinagar	111	114	32	32	3,827	4,400	120	137	79,860	90,800	...	...	1,20,775	1,50,000	...	20,225	...
Gandhinagar	262	275	1,786	1,786	5,80,902	4,71,000	325	264	1,02,47,106	1,00,92,000	...	1,25,108	1,80,33,261	1,86,80,000	...	56,734	...
Gandhinagar	46	46	17	17	715	600	42	35	13,474	11,800	...	1,674	26,111	21,500	...	8,99,042	...
Gandhinagar	169	169	1,034	1,034	1,80,254	1,77,000	174	171	37,78,417	43,38,000	5,59,583	...	51,63,658	70,16,000	...	...	...
Gandhinagar	86	86	54	54	4,326	5,300	80	98	1,05,561	1,29,000	22,439	...	1,66,704	2,07,000	...	42,295	...
Gandhinagar	102	113	1,165	1,165	1,31,733	1,02,000	113	88	26,58,563	23,91,000	70,413	...	46,55,964	41,54,000	...	...	5,41,664
Gandhinagar	85	94	299	299	2,350	3,140	80	100	5,58,587	6,29,000	...	...	9,83,715	9,86,000	...	...	7,715
Gandhinagar	113	136	1,251	1,251	1,33,972	1,22,000	115	145	28,16,470	35,75,000	7,58,570	...	52,33,255	65,32,000	...	12,98,745	...
Gandhinagar	103	118	200	200	2,150	2,150	109	107	4,24,710	4,59,000	31,290	...	7,29,071	8,72,000	...	1,49,929	...
Gandhinagar	76	74	430	585	3,554	4,150	62	71	7,33,766	8,49,000	1,15,234	...	11,31,742	13,84,000	...	2,52,258	...
Gandhinagar	172	197	1,124	1,178	1,37,742	1,28,000	167	160	42,11,556	45,12,000	2,26,434	...	70,17,029	74,15,000	...	3,97,971	...
Gandhinagar	64	57	59	59	3,397	4,200	59	70	79,004	97,600	17,900	...	2,01,546	1,30,000	...	3,1454	...
Gandhinagar	13	29	...	124	...	1,000	...	89	...	...	1,23,000	...	...	1,55,000	...	1,55,000	...
Gandhinagar	60	60	28	30	1,381	1,700	40	57	40,619	40,200	...	438	60,309	60,500	...	110	...

	219	291	22	79	2001	6,700	25	85	1,27,005	1,20,000	40,700	...	7,17,17	3,53,000	35,283	...
jab (Delhi-Samasat)	68	81	425	425	97,001	32,000	64	77	5,94,358	8,70,000	27,5,642	...	11,6,372	16,91,000	5,94,648	...
inda	116	128	107	107	9,510	10,500	59	98	2,17,081	2,60,000	78,919	...	4,55,737	6,09,000	1,55,203	...
wir-Jakhat	...	...	...	80	...	2,300	...	29	...	81,800	81,800	...	...	(b) 1,43,000	1,43,000	...
Guaranteed State	219	268	334	334	1,01,076	8,400	395	251	18,62,972	13,50,000	...	3,12,072	33,54,609	26,41,000	6,13,609	...
ay	129	131	13	13	1,47,81	15,100	95	98	2,11,089	2,11,000	...	...	4,55,113	3,44,000	81,113	...
n	89	103	34	34	5,000	1,300	149	38	2,37,747	42,200	12,453	...	53,581	76,200	22,610	...
Baran	44	53	148	148	6,193	3,500	42	26	68,270	33,900	...	34,370	1,41,649	74,300	67,340	...
in	102	133	114	114	18,410	9,100	161	80	1,50,620	98,500	...	52,120	3,22,735	1,71,000	1,51,735	...
Selda	460	436	10	10	4,708	3,800	471	380	2,72,209	1,82,000	...	90,209	5,79,982	3,44,000	2,37,982	...
									1,04,638	1,04,000	...	2,638	1,54,607	1,49,000	5,607	...
and Kumaon (Co.'s sec.)	126	126	66	66	6,179	7,200	94	109	1,96,191	2,23,000	26,809	...	3,19,541	3,68,000	57,659	...
n-Jamalpur-Jagannathganj	60	60	53	53	3,993	4,200	75	79	7,868	14,100	6,232	...	1,07,866	44,400	8,394	...
Extension	220	178	36	36	6,771	5,400	138	150	1,81,945	1,53,000	...	26,945	2,47,172	2,13,000	34,172	...
Parantij	212	240	17	17	1,374	2,800	81	105	1,19,171	1,22,000	1,10,083	...	(c) 12,336	1,53,000	1,40,664	...
r's Mehada	84	89	93	93	9,666	6,600	104	71	3,89,735	4,26,000	38,265	...	6,28,498	6,97,000	68,502	...
Mys. re Fro. sec. (incl. M. Nanjangud)	78	87	29	29	2,003	1,600	69	55	58,647	92,700	34,053	...	1,20,945	1,05,000	44,035	...
Gadavari Valley	73	75	386	392	41,652	35,200	108	90	5,21,283	7,28,000	2,06,717	...	7,54,618	10,00,000	...	...
Gondal-Jodhpur-Porbandar	88	102	334	334	31,452	34,500	94	103	6,55,257	5,07,000	...	1,56,257	12,55,983	1,00,000	2,55,983	...
ikot	77	84	46	46	3,490	4,100	72	90	81,373	64,500	...	16,473	1,39,170	1,13,000	26,170	...
	45	54	54	54	2,036	2,500	38	43	51,438	50,300	...	1,138	1,03,280	87,000	15,380	...
	42	48	21	21	1,433	1,500	68	46	19,342	13,700	...	5,642	35,543	29,600	5,943	...
amer	55	64	612	612	22,504	54,100	47	88	5,89,542	7,69,000	1,79,458	...	11,87,753	12,00,000	12,247	...
itor	69	79	67	67	4,480	5,700	66	85	1,04,539	9,100	...	13,639	1,88,002	1,43,000	45,002	...
Himalayan	286	294	51	51	15,809	16,000	311	314	3,30,019	3,35,000	4,951	...	5,80,648	5,57,000	23,648	...
ar's Dabhoi	55	57	34	34	1,846	2,500	54	74	41,242	46,200	4,958	...	64,264	97,000	33,336	...
	52	58	79	79	3,773	5,700	43	72	74,515	80,500	5,985	...	1,48,618	1,72,000	23,382	...
	20	24	37	37	618	700	17	19	16,271	13,600	...	2,671	31,378	39,700	678	...
	79	85	94	94	7,483	7,100	80	76	1,64,791	1,30,000	...	24,701	2,27,998	2,29,000	48,998	...
	79	172	21	21	1,593	3,200	70	152	35,451	42,500	7,049	...	71,835	97,900	26,065	...
TOTAL	100	110	3,920	4,170	4,21,199	4,42,400	107	106	84,03,566	89,64,400	5,60,834	...	1,50,06,092	1,55,84,100	5,78,008	...
GRAND TOTAL	232	249	24,174	24,907	64,39,772	65,45,800	266	262	12,32,15,800	13,20,05,800	87,89,931	...	20,69,76,844	22,37,77,100	68,00,256	...

(a) Earnings of the East Coast State Railway have been added in proportion to mileage transferred.

(b) From 10th April to 7th November, 1901.

(c) From 20th April to 8th December, 1900.

NEVILLE PRIESTLEY,
Offg Under Secretary to the Govt. of India.

GOVERNMENT OF INDIA
FINANCE AND COMMERCE DEPARTMENT

Gross and Net Indian Sea and Land Customs Revenue (excluding Salt Revenue).
[In thousands of Rupees]

		IN THE EIGHT MONTHS, APRIL TO NOVEMBER, OF									
		1892-93	1893-94	1894-95	1895-96	1896-97	1897-98	1898-99	1899-1900	1900-01	1901-02
(GROSS REVENUE)											
Administration, and Military		2,06	2,15	2,04	2,19	2,37	2,50	2,24	1,95	1,80	2,06
Post and Telegraph		35,19	33,42	35,32	33,00	38,29	38,60	40,87	42,53	41,88	41,55
Revenue		4,18	4,24	3,84	4,38	4,08	3,84	4,05	3,73	3,69	3,74
Importing haberdashery and		—	—	5,62	4,91	5,05	3,75	4,24	5,06	5,33	5,46
Drugs and preparations		—	—	1,71	1,72	1,49	1,74	1,73	1,73	2,06	2,15
Textiles:											
Cotton, grey		—	—	—	42,81	35,20	27,91	29,79	32,66	29,73	33,63
" white		—	—	—	14,18	13,92	10,95	11,18	12,30	11,83	18,81
" coloured		—	—	—	15,88	14,56	8,58	12,53	16,59	12,95	16,25
Wool		—	—	—	2,00	1,52	1,10	1,07	1,99	1,78	2,71
Opium, and narcotics		—	—	2,22	2,16	2,30	2,52	2,38	2,48	2,76	2,97
Printing materials		—	—	1,92	2,50	2,49	2,74	2,67	2,83	1,94	2,59
Ware, and		—	—	2,06	2,32	2,61	1,81	1,98	2,65	2,44	3,08
Cutlery		—	—	4,85	4,60	5,08	4,69	4,72	5,38	6,08	5,95
" " " "		—	—	2,40	5,13	3,58	4,17	3,47	1,11	2,40	1,99
Steel		—	—	1,60	2,58	2,50	2,58	2,22	2,12	2,72	3,62
" " " "		—	—	22,91	20,54	20,42	28,82	23,56	16,41	8,31	19,47
" " " "		—	—	99	80	84	73	62	26	03	74
Alms		—	—	3,00	1,61	1,40	1,90	1,76	1,51	2,06	2,92
" " " "		11,09	13,79	15,37	29,11	27,97	32,14	29,06	25,00	28,81	34,91
" " " "		—	—	1,01	1,10	1,18	1,06	1,17	1,34	1,40	1,51
" " " "		—	—	1,25	1,07	1,04	1,22	1,44	1,70	1,67	2,00
" " " "		—	—	3,46	6,14	5,56	6,14	5,18	5,72	6,02	6,75
Manufactured		—	—	8,31	9,76	8,87	6,05	6,80	6,13	8,24	7,78
" " " "		—	—	2,57	2,02	2,20	2,84	2,87	3,23	3,00	2,95
" " " "		—	—	97	97	1,06	80	80	93	91	1,03
At 5 per cent		—	—	7,78	9,98	9,38	11,90	10,96	13,74	18,43	18,29
" " " "		—	—	2,39	1,40	1,85	76	55	53	85	61
" " " "		—	—	1,12	1,09	1,01	98	71	82	85	61
" " " "		—	—	70	1,01	73	77	50	79	70	1,09
" " " "		—	—	6,25	5,48	6,50	3,88	5,32	7,07	7,71	8,15
At		1	1	89	94	99	93	1,10	1,19	1,31	1,61
" " " "		2	15	15,08	25,00	15,82	16,01	15,55	15,49	15,71	17,23
TOTAL		52,55	53,76	1,57,63	2,04,68	2,42,52	2,35,37	2,33,09	2,37,63	2,48,70	2,93,81
(NET REVENUE)											
" " " "		35,79	37,85	50,83	50,35	39,51	31,49	59,57	50,76	43,17	50,37
GROSS REVENUE		88,34	91,61	2,08,46	3,15,06	2,82,03	2,66,86	2,92,66	2,88,39	2,96,87	3,44,18
NET REVENUE		86,02	88,81	2,03,60	3,07,44	2,74,01	2,61,27	2,86,98	2,82,83	2,90,17	3,33,31
Distribution of Net Customs Revenue											
" " " "	Import	18,88	18,75	42,83	1,02,82	90,73	83,93	87,29	95,70	99,56	1,07,58
" " " "	Export	8,65	8,54	9,31	12,13	7,68	4,04	11,19	11,24	12,86	8,03
" " " "	Import	14,50	16,31	76,89	96,28	95,24	92,48	88,75	83,00	79,66	1,04,73
" " " "	Export	1,21	1,09	2,16	1,72	1,72	1,78	2,28	1,52	2,01	1,51
" " " "	Import	4,16	4,36	8,39	14,53	15,32	14,21	14,29	15,47	21,41	29,06
" " " "	Export	50	34	44	42	28	43	98	73	45	1,39
" " " "	Import	6,96	7,07	14,70	24,34	17,83	21,70	18,32	20,36	20,93	25,99
" " " "	Export	2,87	3,46	4,79	3,23	5,83	7,68	3,28	4,58	1,74	3,95
" " " "	Import	6,60	5,57	11,06	20,15	16,54	18,27	20,49	18,95	21,86	22,12
" " " "	Export	21,69	23,32	33,03	31,82	22,84	10,09	40,11	31,28	29,69	33,95

**STATEMENT OF WHOLESALE AND RETAIL PRICES OF FOOD-GRAINS
AND CERTAIN STAPLE ARTICLES FOR THE FIRST
HALF OF NOVEMBER 1901**

WHOLESALE PRICES FOR THE FIRST HALF OF NOVEMBER—continued

DISTRICTS	SUGAR PAW (Gñr)		SALT		TOBACCO LEAF		TURMERIC		GRASS		STRAW	
	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900
Burma—												
Tenasserim—												
Mergui	...	...	17.53	11.31	...	...	...	...	...	...	...	...
Tavoy	...	...	22.54	22.54	...	...	...	...	...	...	...	...
Moulmein and Amherst	...	...	18.77	20.58	...	...	...	...	...	...	...	...
Pegu (deltaic)—												
Rangoon	...	...	20	19.05	...	...	...	...	...	...	...	...
Thongwa	...	...	20.38	20.75	...	...	...	...	...	...	...	...
Baguein	...	...	22.61	22.61	...	...	...	...	...	...	...	...
Pegu (inland)—												
Henzada	...	...	24.71	23.7	...	...	...	...	...	...	...	...
Toungoo	...	...	24.81	27	...	...	...	...	...	...	...	...
Upper Burma—												
Mandalay	...	...	24.33	26.89	...	...	...	...	...	...	...	...
Bamo	...	...	...	...	...	...	...	...	...	...	...	...
Pakokke	...	...	28.19	24.71	...	...	...	...	...	...	...	...
Arakan—												
Kyaukpyn	...	...	...	...	...	...	...	...	...	...	...	...
Akyah	...	...	25	36.36	...	...	...	...	...	...	...	...
Assam—												
Brahmaputra—												
Goalpara	70	72.5	...	...	...	...	...	...	...	...	...	...
Gauhati	...	...	...	...	...	...	...	...	...	...	...	...
Bengal—												
Eastern—												
Chittagong	50	55	39.37	37.5	107.5	130	...	...	...	...	...	...
Dacca	60	60	40	35.62	75	100	...	...	1.87	2.5	...	...
Deltaic—												
Midnapur	{ 35 to 40	{ 50 to 55	{ 36.25	{ 35.62	{ 55 and 107.5	{ 80 and 107.5	{ ...	{ ...	...	...	2.19 { 1.77 to 2.03	
Calcutta	40	57.5	33.75	33.75	90	90	...	...	9.22	31.25	10	10
Central—												
Bardwan	40	53.75	35	32.5	...	...	...	...	...	...	6.25	5.62
Patna	37.5	50	38.75	38.12	80	110	...	...	...	...	10	10
Northern—												
Rangpur	62.5	66.25	40	40	90	70	...	...	1.56	1.56	4.37	4.37
Orissa—												
Cuttack	45	45	31.25	30	42.5	42.5	...	...	5	5.62	5	5.62
Bihar, south—												
Patna	37.5	32.5	36.87	35	30	30	...	...	2.5	3.12	...	...
Bihar, north—												
Bhagalpur	50	39.37	37.5	33.75	...	87.5	...	...	...	...	...	...
Muzaffarpur	100	33.18	40	38.12	80	80	...	...	...	...	...	...
N.-W. Provinces—												
Eastern—												
Benares	41.93	57.24	...	...	...	...	...	...	...	...	...	...
Central—												
Cawnpore	42.08	55.16	...	...	65	55	100	145	...	...	...	...
Jhansi	57.5	60	...	...	...	...	...	...	...	...	...	...
Western—												
Meerut	...	61.6	...	...	...	...	...	...	...	...	...	...
Agra	38.91	61.51	...	...	133.33	133.33	112.5	150	5	3.33	5	3.75
Submontane, west—												
Shahjahanpur	56.67	...	...	...	...	...	100 and 110	135 and 140	{ ...	...	...	...
Udh—												
Southern—												
Lucknow	41.43	57.19	...	...	70	70	...	...	3.33	3.88	1.67	...
Northern—												
Kanpur	23.12	...	...	...	...	...	...	...	...	...	...	...

[illegible]

DISTRICTS	RICE, UNHUSKED		RICE, HUSKED		WHEAT		FLOUR (WHEAT)		BARLEY		JOWAR	
	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900
Rajputana—												
Eastern— Ajmer	12.5	25	...	...	34.69	44.43	...	...	26.56	34.69	29.59	21.09
Panjab—												
Southern— Ferozpur	19.06	18.75	48.44	50	25.78	33.93	30.78	37.5	15.94	26.67	17.34	25
Central— Lahore	25	21.67	43.26	43.28	21.93	31.82	26.25	35.21	19.49	23.91	16.98	25.78
South-eastern— Delhi	21.09	25	35.07	40	26.67	33.93	31.98	40	17.7	24.23	18.18	20
Submontane— Amritsar	21.61	23.54	41.04	41.3	21.93	30.21	25.78	34.06	...	...	...	...
Northern— Rawalpindi	20	28.54	54.32	53.59	21.56	32.5	24.06	34.84	13.44	23.75	14.87	28.54
Western— Multan	15.99	17.4	25	32.03	25	32.03	30.78	36.35	15.99	23.85	15.99	20.94
Sind and Baluchistan—												
Karachi . . . . .	...	...	31.25	36.25	27.5	35.62	...	...	22.5	21.25	18.75	25.94
Shikarpur . . . . .	...	...	...	...	25	32.5	...	...	18.12	22.5	...	23.44
Quetta . . . . .	...	...	...	...	26.25 to 28.12	30.62 to 34.37	53.12	55	20 to 21.25	25.94 to 26.56	17.5 to 19.37	26.57
Bombay—												
Deccan— Dharwar . . . . .	...	...	37.29	...	...	45.83	...	...	...	...	21.82	...
Sholapur . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Poona . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Khandesh— Ahmadnagar . . . . .	...	41.87	37.5	...	...	42.5	...	...	...	...	...	...
Dhulia . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Gujarat— Surat . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Ahmadabad . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Central Provinces— (a)												
Western— Nagpur . . . . .	...	...	35	36	36	42	44	50	...	...	21	29.37
Central— Jubbulpore . . . . .	...	...	33.25	34.75	26.62	40	32	42	...	...	...	...
Eastern— Raipur . . . . .	...	...	32	38	31	38	40	48	...	...	...	...
Berar—												
Basim . . . . .	...	...	...	...	42.86	53.57	...	...	...	...	17.78	45.19
Akola . . . . .	...	...	75	75	50	58.5	50	56.25	...	...	18.33	37.5
Ellichpur . . . . .	...	...	80	88.89	50	61.54	57.14	72.73	...	...	20.62	47.06
Amraoti . . . . .	...	...	37.5	46.75	37.5	48.75	42	54.37	...	...	15.62	41.25
Madras—												
South, central— Coimbatore . . . . .	...	...	...	...	...	...	...	...	...	...	25.8	27.8
Salem . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Central— Bellary . . . . .	...	...	...	...	...	...	...	...	...	...	27	32.3
Cuddapah	31.8	31.8	...	...	...	...	...	...	...	...	27.9	36.9
Karnul . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
East Coast, central— Nellore . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
East Coast, south— Madras	27.7	31.3	48.3	49.3	...	...	...	...	...	...	...	...
Tanjore	25.3	32.9	36.8	40.9	...	...	...	...	...	...	...	...
Trichinopoly . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Southern— Madura . . . . .	...	...	...	...	...	...	...	...	...	...	24.2	27.8
Mysore—												
Mysore	44	50.82	43.81	51.2	62.61	55.66	48.86	87.77	...	...	19	28.56
Bangalore	26.12	29.38	44.72	49.25	50.02	46.68	60.5	60.02	...	...	...	...

1901	1900	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900	
												Rajputana—
												<i>Rastara—</i>
10-78	25	...	...	28-59	22-19	20-94	44-43	...	...	373-44	492-34	Ajmer
												Panjab—
												<i>Southern—</i>
21-00	20	...	...	18-12	20	19-53	34-79	40	5-13	395	415	Ferozpur
												<i>Central—</i>
18-59	21-67	...	...	15-42	21-35	17-03	34-63	40	45-73	412-5	376-25	Lahore
												<i>South-eastern—</i>
22-24	20	...	...	18-18	19-06	20-78	34-70	29-63	36-35	387-86	470	Delhi
												<i>Submontane—</i>
...	...	...	...	16-67	21-09	17-03	35-57	...	...	...	...	Amritsar
												<i>Northern—</i>
16-56	28-44	...	...	16-56	22-81	19-06	34-84	39-12	40	336-87	320	Rawalpindi
												<i>Western—</i>
18-18	20-94	...	...	17-4	20	22-81	36-35	...	...	420-67	400	Multan
												Sind and Baluchistan—
												<i>Karachi</i>
23-75	29-53	...	...	...	...	25	41-25	37-5	...	350	...	Shikarpur
19-37	...	...	...	...	...	...	36-12	...	...	379-37	400	
										350	370	
				20-94	27-5	...	...	46-25	47-5	to	to	Quetta
								48-12	52-5	480	415	
												Bombay—
												<i>Deccan—</i>
							51-56	...	...	...	...	Dharwar
19-48	31-41	...	...	...	...	...	...	...	...	...	...	Sholapur
...	33-38	...	...	...	...	31-51	...	...	...	...	...	Poona
												<i>Khandesh—</i>
21-67	35-88	...	...	...	...	...	42-03	...	...	...	...	Ahmadnagar
27-55	35-02	...	...	...	...	...	...	...	...	...	...	Dhulia
												<i>Gujarat—</i>
26-3	35-31	...	...	...	...	...	...	...	...	...	...	Surat
...	...	...	...	...	...	...	...	...	...	...	...	Ahmadabad
												Central Provinces—
												<i>Western—</i>
...	...	...	...	...	...	28	36	40	50	317	450	Nagpur
												<i>Central—</i>
...	...	...	...	...	...	23-5	36-37	32	...	310	350	Jubbulpore
												<i>Eastern—</i>
...	...	...	...	...	...	27	37	40	...	270	420	Raipur
												Berar—
												<i>Basim</i>
22-29	87-5	...	...	...	...	33-33	41-62	50	50	295-23	400	Akola
25-01	66-67	...	...	...	...	40	50	53-33	61-54	3-5-62	492-31	Ellichpur
17-5	42-5	...	...	...	...	32-5	40	47-75	55	320	4-0	Amraoti
												Madras—
												<i>South, central—</i>
19-9	25-2	...	...	...	...	39-2	45-1	...	...	434-3	325-7	Coimbatore
...	...	29-2	26-3	...	...	...	...	...	...	445-2	359-6	Salem
												<i>Central—</i>
...	...	...	...	...	...	43-5	43-5	35-8	...	380-9	365-1	Bellary
20-4	24	...	...	...	...	...	...	...	...	329	345-5	Cuddapah
...	...	...	...	...	...	...	...	...	...	...	...	Karnul
												<i>East Coast, central—</i>
...	...	26-8	32-1	...	...	...	...	36-6	40-8	...	...	Nellore
												<i>East Coast, south—</i>
...	...	...	...	...	...	34-7	37-2	...	...	395	329-2	Madras
...	...	...	...	...	...	...	...	...	...	...	...	Tanjore
...	...	24-0	28-1	...	...	...	...	...	...	...	...	Trichinopoly
												<i>Southern—</i>
29	31-1	...	...	...	...	...	...	29-9	34-2	...	...	Madura
												Mysore—
												<i>Mysore</i>
...	...	22-09	24-44	...	...	26-77	30-21	80	87-77	418	339-25	Bangalore
...	...	27-59	28-21	...	...	23-51	29-49	63-2	64-05	435-63	376-75	

DISTRICTS	SUGAR, RAW (Gür)		SALT		TOBACCO LEAF		TURMERIC		GRASS		STRAW	
	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900	1901	1900
Ajputana—												
Eastern— Ajmer	57·84	66·56	...	...	...	...	...	...	5	5	5	5
Anjab—												
Southern— Ferozpur	57·19	57·13	...	...	80	50	133·23	160	3·28	3·83	3·91	9·17
Central— Lahore	51·61	49·22	...	...	61·56	64·01	106·67	143·75	8·91	8·03	4·43	8·91
South-eastern— Delhi	50	61·56	...	...	80	80	130	160	5	4·01	5·73	7·13
Submontane— Amritsar . . . . .	...	47·08	...	..	50	...	...	...	...	...	4·43	6·67
Northern— Rawalpindi	40	50	...	...	40	50	114·27	133·33	5	5	4·01	7·24
Western— Multan	53·33	53·33	...	...	80	80	133·33	160	4·01	3·49	3·65	5
ind and Baluchistan—												
Karachi . . . . .			...	...	...	...	...	...	...	11·98	...	...
Shikarpur	46·25	63·75	...	...	...	...	...	...	...	...	...	...
Quetta . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
ombay—												
Deccan—												
Dharwar . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Sholapur . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Poona . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Khandesh—												
Ahmadnagar . . . . .	...	71·67	...	...	...	...	...	...	...	...	...	...
Dhulia . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Gujarat—												
Surat . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Ahmadabad . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
entral Provinces—												
Western—												
Nagpur . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Central—												
Jubbulpore . . . . .	...	...	39	39	66·62	90	110	145·37	...	...	...	6·62
Eastern—												
Raipur . . . . .	...	...	37·5	40	100	180	100	140	...	...	...	...
ierar—												
Basim . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Akola	114·28	122·5	...	...	145	152	114·28	140	1·82	2·08	...	...
Elichpur	68·59	133·33	...	...	200	400	177·86	200	30	7	...	...
Amraoti	80	100	...	...	114	200	120	160	6·17	2·08	...	...
Tadras—												
South, central												
Coimbatore	43	51·2	...	...	...	...	...	...	...	...	1·9	2·2
Salem . . . . .	...	...	...	...	171·2	128·4	75·4	106·2	...	...	9	7·1
Central—												
Bellary	63·5	63·5	...	...	...	...	...	...	...	...	...	...
Cuddapah . . . . .	...	...	...	...	...	...	70·7	115·2	...	...	...	...
Karnul . . . . .	...	...	...	...	49·4	52·7	74·8	107·7	...	...	...	...
East Coast, central—												
Nellore . . . . .	...	...	...	...	...	...	...	...	...	...	4·4	5·1
East Coast, south—												
Madras	51·8	51	...	...	123·4	131·7	67·5	115·2	...	...	...	...
Tanjore . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Trichinopoly . . . . .	...	...	...	...	113·1	113·1	...	...	...	...	...	...
Bella . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Oudda—												
Karnul . . . . .	...	...	...	...	106·8	106·8	...	...	...	...	4·3	4·8
ast Coast, co.												
Nellore	60	68·57	...	...	808	347·29	103·61	120·67	4	10·71	5	11·42
ast Coast, south—	51·37	68·23	...	...	342·5	342·5	146·75	146·75	7·61	5·71	7·31	7·3
Madras												
Tanjore												
Trichinopoly												
athern—												
Madura												
score—												
Mysore												
Bangalore												

JAWAR STALKS		BHUSA		SHEEP, PER SCORE		GOATS, PER SCORE		PLOWB BULLOCKS, PER PAIR		DISTRICTS
1901	1900	1901	1900	1901	1900	1901	1900	1901	1900	
5	5	...	...	140	140	...	...	80	80	Rajputana— Eastern— Ajmer
5	5	...	...	50	50	...	...	75	75	Panjab— Southern— Ferozpur
...	100	100	...	...	112.5	112.5	Central— Lahore
5.73	4.01	...	...	65	60	...	...	100	100	South-eastern— Delhi
...	150	...	Submontane— Amritsar
4.01	5	...	...	60	60	...	...	60	70	Northern— Rawalpindi
5	4.37	...	...	50	50	...	...	70	70	Western— Multan
...	Sind and Baluchistan— Karachi
...	Shikarpur
...	...	6.72	7.97	40 to 140	40 to 140	...	...	...	...	Quetta
...	Bombay— Deccan— Dharwar
...	Sholapur
...	Poona
...	Khandesh— Ahmadnagar
...	Dhulia
...	Gujarat— Surat
...	Ahmedabad
...	Central Provinces— Western— Nagpur
...	60	60	...	...	70	70	Central— Jubbulpore
...	55	50	...	...	35	30	Eastern— Raipur
...	Berar— Bijapur
2.75	3.3	...	...	60	70	...	...	80	70	Asoli
...	40	40	...	...	150	100	Elchnapur
...	80	45	...	...	100	100	Amraoti
...	Madras— South central— Coimbatore
...	50	70	80	70	50	50	Salem
...	80	60	80	60	100	100	Central— Bellary
...	Chidambur
...	Karnul
...	East Coast, central— Nellore
...	55	55	55	55	...	...	East Coast south— Madras
...	80	80	80	80	...	...	Tanjore
...	Trichinopoly
...	40	40	Southern— Madrura
5	7	...	...	100	100	...	...	70	70	Mysore— Mysore
...	140	120	...	...	150	150	Bangalore

J. A. ROBERTSON

Offg. Director-General of Statistics

J. F. FINLAY

Secretary to the Government of India

FINANCE AND COMMERCE DEPARTMENT

December 20, 1901

GOVERNMENT OF INDIA
FINANCE AND COMMERCE DEPARTMENT

RETAIL PRICES FOR THE FIRST HALF OF NOVEMBER 1901 (*The figures*

DISTRICTS	WHEAT		BARLEY		RICE				JAWAR OR CHOLU (Andropogon sorghum)		BAJRA OR CUMBU (Pennisetum typhoides)	
					Best sort		Common					
	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month
INDIA—												
Tenasserim—												
Mergui . . . . .	...	...	...	...	10 10	9 1	10 6	10 6	...	...	...	...
Tavoy . . . . .	...	...	...	...	13 1	12 12	13 11	13 6	...	...	...	...
Moulmein and Amphur	6 15	6 13	...	...	12 9	12 6	13 4	13 4	...	...	...	...
Pegu (Ilellait)—												
Pegu . . . . .	...	...	...	...	10 8	10 8	11 14	11 14	...	...	...	...
Bangoon	11 8	11 8	...	...	14 8	14 10	16 10	16 8	...	...	...	...
Thilawa . . . . .	...	...	...	...	10 —	10 —	11 1	11 1	...	...	...	...
Bassein . . . . .	...	...	...	...	9 12	10 8	11 13	12 5	...	...	...	...
Pegu (inland)—												
Tharawadi . . . . .	...	...	...	...	10 1	10 1	11 10	11 10	...	...	...	...
Henzada . . . . .	...	...	...	...	9 1	9 1	12 2	12 2	...	...	...	...
Prano . . . . .	...	...	...	...	8 9	8 9	13 15	13 15	...	...	...	...
Tongoo . . . . .	...	...	...	...	13 3	13 3	14 9	14 9	...	...	...	...
Thayemye	9 9	9 9	...	...	10 9	10 6	13 13	13 2	24 8	24 8	...	...
Upper Burma—												
Mandalay	11 3	10 5	...	...	11 9	11 6	11 13	11 9	29 —	29 —	...	...
Bamo . . . . .	...	...	...	...	10 10	10 10	10 14	10 14	...	...	...	...
Pakokko . . . . .	...	...	...	...	9 13	9 13	12 12	12 12	...	...	...	...
Mektila . . . . .	...	...	...	...	10 14	9 11	12 1	12 1	20 —	20 —	...	...
Arakan—												
Sandoway . . . . .	...	...	...	...	11 10	10 12	13 8	11 10	...	...	...	...
Kyaukpyn . . . . .	...	...	...	...	11 3	9 7	11 4	10 7	...	...	...	...
Akyah . . . . .	...	...	...	...	8 —	8 —	9 —	9 —	...	...	...	...
SEAM—												
Burma—												
Sylhet	8 —	6 8	...	...	8 4	8 8	12 4	10 8	...	...	...	...
Cachar . . . . .	...	...	...	...	6 8	6 —	12 —	13 —	...	...	...	...
Hill tracts—												
Khasi and Jaintia Hills	6 —	6 1	...	...	5 —	5 —	8 —	8 —	...	...	...	...
Garo Hills . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Majur . . . . .	...	...	...	...	22 —	20 —	23 —	22 —	...	...	...	...
Brahmaputra—												
Goalpara	11 8	12 —	...	...	5 8	5 8	9 —	9 —	...	...	...	...
Kamrup . . . . .	...	...	...	...	7 —	7 —	10 —	9 8	...	...	...	...
Loring . . . . .	...	...	...	...	9 —	9 —	11 —	11 —	...	...	...	...
Nowgong . . . . .	...	...	...	...	4 8	4 8	10 —	10 —	...	...	...	...
Silchar . . . . .	...	...	...	...	6 —	6 —	12 —	11 —	...	...	...	...
Lakhimpur	7 8	7 8	...	...	5 12	5 12	9 —	9 —	...	...	...	...
Bengal—												
Eastern hill tracts—												
Naga Hills . . . . .	...	...	...	...	13 —	13 —	15 —	15 —	...	...	...	...
Eastern—												
Burkerganj . . . . .	...	...	...	...	...	...	8 8	9 — and 11 1	...	...	...	...
Noakhali . . . . .	...	...	...	...	...	...	13 —	12 —	...	...	...	...
Chittagong . . . . .	...	...	...	...	...	...	10 10	10 10	...	...	...	...
Tipperra . . . . .	...	...	...	...	...	...	10 10	8 — and 12 5	...	...	...	...
Dacca	13 —	13 —	15 —	16 —	...	...	11 4	9 8	...	...	...	...
Mamensingh	10 —	10 —	10 —	10 —	...	...	10 —	10 —	...	...	...	...
Dacca—												
Khulna . . . . .	...	...	...	...	...	...	10 —	10 —	...	...	...	...
24 Parganas . . . . .	...	...	...	...	...	...	10 —	10 —	...	...	...	...
Midnapur	10 —	10 —	...	...	...	...	11 4	10 8	...	...	...	...
Howrah . . . . .	...	...	...	...	...	...	12 5 and 10 6	12 8	...	...	...	...
Calcutta—												
Calcutta	10 10	10 10	16 —	16 —	...	...	8 14	8 14	11 13	11 13	11 6	10 10
Becchay	10 —	10 —	...	...	...	...	9 4	9 4	...	...	...	...
Nauka (Aishmagarh)	10 —	14 9	16 —	16 —	...	...	11 13	11 1	...	...	...	...
Jessore	10 —	10 —	10 —	10 —	...	...	12 —	12 —	...	...	...	...
Faridpur	12 —	15 4	20 —	16 —	...	...	9 —	9 6	...	...	...	...

DISTRICTS	WHEAT		BARLEY		RICE				JAWAR OR OHOLUM (<i>Andropogon sorghum</i>)		BAJRA OR CHHBU (<i>Pennisetum typhoidesum</i>)	
					Best sort		Common					
	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month
Bengal—continued												
Central—												
Bankura	11 —	10 —	...	...	...	...	15 —	12 8	...	...	...	...
Bardwan	11 8	11 8	...	...	...	...	11 4	11 4	...	...	...	...
Birbhum	11 4	11 4	...	...	...	...	11 4	11 10	...	...	...	...
Muralidabad	14 —	13 8	18 —	18 —	...	...	11 —	11 8	...	...	...	...
Santhal Parganas	10 —	10 —	12 5	...	...	...	13 —	12 —	...	...	...	...
Pabna	15 —	15 —	24 8	25 —	...	...	13 —	11 —	...	...	...	...
Bogra	11 4	11 4	...	...	...	...	12 —	11 4	...	...	...	...
Rajshahi	13 8	13 8	21 —	21 —	...	...	11 4	10 8 and 12 12	...	...	...	...
Malda	13 8	13 —	...	...	...	...	10 —	10 —	...	...	...	14 —
Northern—												
Rangpur	9 —	9 —	...	...	...	...	8 8	8 8	...	...	...	...
Dinajpur	11 8	11 8	...	...	...	...	11 8	10 13	...	...	...	...
Jalpaiguri	11 —	11 —	...	...	...	...	9 8	9 8	...	...	...	...
Hills—												
Darjeeling . . . . .	...	...	6 8	6 8	...	...	8 8	8 —	...	...	...	...
Orissa—												
Puri	10 12	10 8	...	...	...	...	13 2	15 —	...	...	...	...
Cuttack	11 2	11 2	...	...	...	...	13 12	13 7	...	...	...	...
Balasore	10 —	9 — and 10 —	8 —	...	...	...	13 —	11 8	...	...	...	...
Chota Nagpur—												
Singbhum	10 —	10 —	...	...	...	...	15 —	14 —	...	...	...	...
Manbhum	11 8 7 12	11 — 7 12	16 —	16 —	...	...	12 12	13 4	20 —	24 —	...	...
Ranchi	10 — 10 2	10 — 10 2	15 —	16 —	...	...	14 8	13 —	...	...	...	...
Palaman	10 2	10 2	13 8	13 8	...	...	12 6 11 8	11 4	...	...	...	...
Hazaribagh	11 —	11 —	16 —	16 —	...	...	14 — and 14 —	11 8	...	...	...	...
Bihar, south—												
Monghyr	13 10	13 10	15 12	14 11	...	...	12 —	11 9	...	...	...	...
Gaya	12 —	12 —	16 6	16 8	...	...	9 8	10 4	15 8	16 —	...	...
Patna	12 8	14 —	17 —	14 —	...	...	12 —	12 8	19 —	19 —	...	...
Shahabad	12 —	12 —	16 —	15 —	...	...	9 —	9 —	...	...	...	...
Bihar, north—												
Patna	13 —	12 —	...	...	...	...	9 — and 10 —	8 — and 10 —	...	...	...	...
Blagalpur	12 10	12 10	19 —	20 4	...	...	11 6	10 12	...	...	...	...
Darbhanga	12 —	12 —	17 9	17 9	...	...	11 —	11 4	...	...	...	...
Muzaffarpur	12 —	12 —	18 —	21 —	...	...	11 —	21 —	...	...	...	...
Baran	13 —	12 8	29 8	16 —	...	...	12 —	11 —	19 —	...	...	...
Champaran	12 —	12 —	21 —	19 4	...	...	12 —	9 —	...	...	...	...
N.-W. Provinces—												
Eastern—												
Muzampur	13 —	12 8	16 —	16 —	6 8	6 8	11 —	11 —	21 —	18 —	18 —	18 —
Bennies	13 —	12 11	15 3	15 5	8 15	8 15	10 5	10 5	19 —	19 —	18 7	14 14
Ghazipur	11 12	11 10	15 14	15 6	6 14	6 4	9 4	9 4	16 2	15 2	15 6	15 2
Jaunpur	13 —	13 —	17 —	17 —	5 8	5 8	11 —	11 —	20 —	22 —	...	...
Almabad	11 12	11 8	17 —	16 4	6 8	6 8	11 —	10 —	23 —	18 —	18 8	19 —
Central—												
Banda	11 8	11 4	17 —	17 —	5 4	5 —	9 4	9 4	25 —	23 —	22 —	20 —
Fatehpur	12 —	12 —	15 —	15 —	11 —	11 —	13 —	13 —	27 —	...	20 —	...
Alamgaur	12 —	11 8	16 —	16 —	6 —	6 —	10 —	9 —	23 —	20 8	23 —	20 8
Jaloun	11 —	11 —	16 —	16 —	7 —	7 —	9 —	9 —	17 —	17 —	18 —	18 —
Cawnpore	15 6	15 —	19 —	18 8	...	...	11 —	11 —	...	...	20 8	21 —
Jhansi	13 —	12 10	18 9	17 3	7 —	7 —	11 —	11 —	15 8	16 5	18 10	17 1
Kanah	13 —	13 4	18 —	18 —	5 —	5 —	10 —	9 —	19 —	19 —	19 —	19 —
Farukhabad	13 10	12 9	20 7	19 1	5 2	5 2	8 15	8 15	...	...	19 12	18 11
Bampani	14 2	13 12	19 8	18 8	...	...	10 —	9 4	22 4	...	19 12	19 4
Etah	14 —	13 12	19 —	18 —	5 —	5 8	9 —	9 —	...	...	21 —	20 —
Western—												
Meerut	14 —	14 —	19 8	19 8	4 —	4 —	11 —	11 —	22 —	22 —	19 —	19 —
Agra	13 —	12 12	19 —	15 —	7 8	7 —	10 —	10 —	18 8	17 —	17 8	17 —
Muttra	13 —	13 —	19 8	18 —	5 —	5 —	9 8	9 —	21 —	18 —	18 —	16 —
Aligarh	11 4	11 —	18 8	19 4	5 4	5 8	...	...	19 8	20 8	19 —	19 —
Budaushahr	15 2	15 10	20 8	20 4	5 8	5 8	8 8	8 8	24 —	23 8	19 —	20 4
Submontane, east—												
Balia	12 —	12 —	15 6	15 8	5 —	5 8	9 —	8 12	16 —	17 —	...	...
Amalgara	11 4	11 12	16 —	15 12	7 —	6 10	12 2	12 2	...	...	...	...
Gorakhpur	12 4	13 —	16 10	16 3	9 —	9 —	12 4	13 —	22 2	...	19 8	20 12
Beasi	12 8	12 8	16 8	16 8	7 12	7 12	11 12	11 12	17 —	17 —	...	...

MARUA OR RAGI (<i>Eragrostis corymbosa</i>)		KANGNI OR KAKUM, ITALIAN MILLET (<i>Setaria italica</i>)		GRAM, CHENNA, CHOLA, KADALAY, OR SUNAGA (<i>Cenchrus arctatum</i>)		MAIZE (<i>Zea Mays</i>)		ARHAR OR THUR, CADJAN PEA (<i>Cajanus indicus</i>)		SALT		DISTRICTS
Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	
				13 4	13 —			11 —	11 —	11 —	10 —	Bengal—continued
				14 —	14 —			10 —	10 8	11 8	11 8	Central—
				13 8	13 8			9 —	9 —	11 10	10 11	Bankura
				14 —	14 —			11 8	11 8	11 —	11 —	Bardwan
				12 5	12 —	21 —	20 4	12 5	12 5	10 —	10 —	Birbham
				12 —	12 —			8 4	8 4	9 12	9 12	Marshidabad
				12 —	12 —			12 —	12 —	10 2	10 2	South Parganas
				15 —	13 8			13 8	13 8	9 12	9 12	Pabna
				14 —	14 —		22 —	9 8	10 —	9 8	9 8	Rajshahi
				11 —	11 —	11 —	11 —	6 —	6 —	9 —	9 —	Maldy
				12 —	12 —			9 10	9 9½	10 8	10 8	Northern—
				12 8	12 8			10 —	10 —	10 —	10 —	Rangpur
				10 —	9 8	18 —	20 —	6 8	6 8	8 8	8 8	Dinajpur
16 —	16 —			13 2	12 —			8 8	7 —	13 6	13 8	Jalpaiguri
				14 7(a)	13 12(a)			14 7	13 12	13 —	13 —	Hills—
				12 —	12 —			8 —	8 —	10 8	11 —	Darjeeling
				9 —	9 —	30 —		8 —	8 —	9 —	9 —	Orissa—
				12 8	13 —	24 —	30 —	10 —	9 8	10 —	10 —	Puri
				10 8	11 8	22 —	24 —	6 —	6 —	9 —	9 —	Cuttack
29 8	30 —			11 4	10 2	18 9	19 2	7 —	7 —	9 —	9 —	and
20 4	23 10			12 —	12 —			14 10	15 —	9 —	9 —	and
22 —	25 —			12 8	12 —	20 —	21 —	9 —	9 —	9 —	9 —	and
				15 12	15 12	19 15	21 —	16 12	15 12	10 8	10 8	Chota Nagpur—
				15 —	15 8	19 —	17 8	12 8	13 —	10 10	10 —	Singbhum
				15 8	16 —	19 —	19 —	15 —	15 —	10 8	10 8	Maubhum
				16 —	15 —	19 —	17 —	12 —	12 —	10 8	10 —	Ranchi
				11 8	11 8			8 —	8 —	10 —	10 —	Palamau
				15 4	15 4	20 4	19 —	10 4	10 4	10 —	10 4	Hazaribagh
				17 9	16 8	20 14	19 4	12 —	12 —	11 —	10 11	Behr, south—
20 14	19 4			16 —	16 —	20 —	18 —	13 —	13 —	10 —	10 —	Monghyr
19 —	20 —	16 —		17 —	16 —	20 —	19 —	14 —	13 —	10 8	10 8	Gaya
21 —	21 —			18 —	18 —	22 12	20 —	16 —	18 —	10 —	10 —	Patna
												Samatbad
				14 —	13 —	16 —	16 —	12 8	18 —	10 —	10 —	Behr, north—
				15 11½	15 11½	16 8	16 8	14 2½	13 10	10 —	10 —	Purnea
				13 2	13 2	15 4	15 6	12 —	12 2	9 4	9 4	Bhagalpur
16 —	22 —			18 —	18 —	19 —	19 8	15 —(b)	20 —(b)	11 —	11 —	Darbhanga
				16 —	16 —	19 —	18 —	12 8	12 —	10 8	10 4	Muzaffarpur
												Saran
												Champaran
												N.W. Provinces—
												Eastern—
												Mirzapur
												Banarès
												Ghazipur
												Jamnagar
												Allahabad
												Central—
												Banda
												Fatehpur
												Hamirpur
												Jalaun
												Cawnpore
												Jhansi
												Etawah
												Farukhabad
												Mathura
												Etah
												Western—
												Meerut
												Agra
												Muttra
												Aligarh
												Banarsnagar
												Sub division, east—
												Balga
												Azimgarh
												Cootahpur
												Basti

(a) Kala

(b) Husked

DISTRICTS	WHEAT		BARLEY		RICE				JAWAR OR OHOLUM (<i>Andropogon sorghum</i>)		BAJRA OR GUMBU (<i>Pennisetum typhoides</i>)	
					Best sort		Common					
	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month	Half-month of report	Previous half-month
N.-W. Provinces— continued												
Submontane, west—												
Shahjhanpur	15 12	15 4	21 —	23 —	9 —	7 8	12 8	12 8	22 —	—	23 —	—
Budaun	15 —	14 12	24 —	24 —	5 —	5 —	11 8	11 8	22 8	22 —	19 —	19 —
Pilibut	14 5	14 7	21 —	21 —	5 4	5 4	12 —	12 8	—	—	—	—
Baroli	14 11	14 11	23 2	21 14	6 4	6 4	11 14	11 9	23 12	23 12	20 —	21 4
Moradabad	14 10	14 2	22 8	21 12	5 2	5 —	10 2	10 9	20 8	20 12	18 12	16 4
Bijnor	15 3	15 3	25 5	24 12	4 8	4 5	10 2	10 2	—	20 4	19 2	—
Muzaffernagar	15 12	15 2	25 1	27 4	—	—	11 8	11 8	20 14	—	19 13	21 —
Saharanpur	15 13	15 1	23 10	22 5	5 5	4 13	10 3	10 12	21 8	19 5	19 5	17 3
Dehra-Dun	13 8	13 —	20 8	20 —	5 8	5 8	8 12	8 4	16 —	16 —	16 —	16 —
Hills—												
Naini Tal	10 —	10 —	15 8	15 8	4 —	4 —	8 —	8 —	—	—	16 —	16 —
Almora	13 8	13 8	17 —	17 —	4 8	4 8	11 8	11 8	—	—	—	—
Garhwál	15 —	15 —	16 —	16 —	6 —	6 —	9 —	9 —	—	—	—	—
Dudh—												
Southern—												
Partabgarh	12 8	12 —	19 8	18 —	7 —	7 8	14 —	14 —	—	—	20 —	13 —
Sultanpur	14 4	13 8	19 —	15 —	7 —	7 —	14 —	14 8	19 8	—	—	—
Rae-Bareilly	13 8	13 —	20 —	18 —	6 —	5 4	14 —	13 8	26 —	22 —	22 —	23 —
Unao	13 —	13 —	18 8	18 —	6 —	6 —	12 —	13 —	22 —	18 8	21 —	13 —
Lucknow	13 —	13 —	20 —	20 —	4 8	4 8	11 —	11 8	22 —	16 8	22 —	21 —
Hardoi	15 4	14 8	22 —	22 —	—	—	11 —	11 —	20 —	—	20 —	13 —
Northern—												
Fyzabad	13 4	13 —	19 8	19 8	7 8	7 8	8 8	8 8	24 —	25 —	20 —	20 —
Burabanki	12 8	12 8	16 —	16 —	6 —	6 —	12 —	12 —	25 —	—	22 —	—
Gonda	14 —	13 8	18 —	18 —	—	—	12 —	11 4	25 —	16 —	20 —	16 —
Bahrach	14 —	14 —	21 —	21 —	6 8	6 8	9 8	9 8	27 —	25 —	21 —	21 —
Sitapur	14 4	14 —	21 —	21 —	5 —	5 —	10 8	11 —	22 —	22 —	22 —	22 —
Kheri	15 —	14 4	25 —	24 —	8 —	8 —	12 —	11 —	30 —	30 —	25 —	22 —
Rajputana—												
Northern—												
Partabgarh	10 9	11 4	10 —	10 —	4 8	4 8	8 8	8 8	14 12	15 4	14 12	14 —
Banawal	9 8	9 —	—	—	4 —	5 —	7 8	7 8	—	—	—	—
Bewar (Udaipur)	11 12	11 4	14 10	14 1	7 5	7 2	7 13	7 10	14 10	13 13	14 2	13 13
Hilly Tracts of (Jaipur)	7 8	7 8	10 —	10 —	4 —	4 —	5 4	5 4	—	—	—	—
Sirohi	10 12	10 —	13 —	13 —	4 12	4 12	7 14	7 10	10 12	10 12	12 —	11 —
Erinpura	11 12	11 —	14 12	13 15	5 8	5 8	7 8	7 8	14 —	14 8	13 8	13 8
Ajmer	12 8	12 8	16 —	15 8	5 8	5 8	8 —	8 —	15 —	15 —	14 —	15 —
Abu	11 3	10 14	—	—	—	—	—	—	—	—	—	—
and 11 7	and 11 4	13 10	13 2	5 4	5 4	8 5	8 5	—	—	12 4	12 4	—
Kishangarh	13 4	13 4	17 8	17 8	7 —	5 —	10 —	10 —	16 —	17 —	17 8	17 8
Bundi	11 2	11 —	20 14	18 —	5 9	6 3	7 8	7 —	23 10	21 —	19 8	15 —
Kotah	10 8	8 14	16 —	11 8	6 4	5 4	6 12	6 —	17 4	14 10	14 8	12 10
Jhalawar	10 —	9 1	11 8	9 14	5 15	5 15	7 2	7 2	15 6	12 12	—	—
Tonk	9 1	8 9	14 11	15 5	5 15	5 15	6 4	6 10	16 3	16 10	13 12	15 3
Jaipur	12 2	11 13	17 6	17 1	6 9	6 9	7 9	7 9	19 11	19 1	16 12	17 1
Karauli	10 10	10 10	20 —	20 —	7 13	7 13	8 12	8 12	20 —	20 5	19 6	20 6
Dholpur	12 10	12 8	18 12	18 12	7 12	7 12	8 10	8 12	17 7	16 3	15 12	17 13
Bharatpur	13 2	12 11	18 11	18 3	5 —	5 —	6 12	6 12	20 9	20 6	15 3	18 9
Alwar	13 1	13 1	19 —	16 2	5 12	5 12	7 13	7 13	19 —	19 —	17 6	16 14
Deer	12 7	11 14	16 8	15 7	6 —	6 —	8 —	8 —	13 4	16 11	16 4	16 —
Nasirabad	12 8	12 8	—	—	8 —	8 —	8 8	8 8	16 —	15 8	15 —	15 —
Baizer	11 6	11 6	—	—	4 8	4 8	7 8	7 8	16 8	14 5	14 11	14 8
Anand	10 9	10 4	—	—	—	—	—	—	—	—	—	—
and 10 13	and 10 5	—	—	5 4	5 6	8 1	8 1	—	—	12 —	11 15	—
Shahpura	9 12	10 —	14 6	14 —	6 —	6 —	7 —	7 —	15 —	14 —	14 —	14 —
Western—												
Jodhpur	10 10	9 15	—	—	—	—	—	—	—	—	—	—
and 12 —	and 11 10	13 12	13 5	6 4	6 4	7 8	7 8	14 6	13 3	12 13	12 6	—
Jaisalmer	9 —	9 —	—	—	5 8	5 8	7 8	7 12	12 —	12 —	11 4	11 —
Bikaner	12 —	11 11	14 —	14 10	3 4	3 4	4 8	4 8	—	—	12 —	11 6
Central India—												
Indore	10 12	10 12	14 12	14 12	8 —	8 —	9 8	9 4	17 —	15 8	13 8	14 —
Nimgach	12 6	12 —	—	—	6 —	6 —	8 8	8 8	15 —	15 —	13 —	13 8
Gwalior	11 2	10 12	16 4	16 4	5 15	5 15	6 11	7 —	16 5	15 12	16 2	15 14
Punjab—												
Southern—												
Ludhiana	15 8	15 8	22 8	22 —	—	—	10 —	10 —	20 —	20 —	18 —	18 —
Ferozpur	15 —	16 —	24 —	28 —	—	—	8 —	8 —	22 —	23 —	18 —	20 —
Central—												
Lahore	16 12	16 11	28 8	27 8	—	—	8 14	8 8	22 8	22 8	20 8	18 8
Gujranwala	16 4	16 4	32 —	33 8	—	—	9 8	9 8	24 —	24 —	16 —	16 —
Gujrat	20 —	21 —	32 —	34 —	—	—	11 —	9 —	25 —	22 —	24 —	22 —
Sheikhpura	18 8	18 8	28 —	28 —	—	—	9 —	9 —	20 —	20 —	23 —	26 —

MAHARAJA RAGI (<i>Eleusine coracana</i>)		KANGNI OR KAKUN, ITALIAN MILLET (<i>Scleria italica</i>)		GRAM, CHENNA, CHOLA, KADALAY, OR KUNAGA (<i>Cenchrus arietorum</i>)		MAIZE (<i>Zea Mays</i>)		AKHAR, OR THUR, CAJAN PRA (<i>Cajanus sativus</i>)		RATT		DISTRICTS
Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	
...	...	26 —	26 —	22 —	22 8	23 —	24 —	16 8	16 8(a)	11 —	11 —	N.W. Provinces—continued
...	...	18 —	19 —	19 8	20 —	24 —	24 —	17 —	17 8(a)	11 —	11 —	Submontane tract—
...	19 5	19 5	24 —	26 —	14 8	14 8	11 —	11 —	Shahjahanpur
...	...	25 —	25 —	20 —	20 10	25 10	25 —	18 2	16 4	11 9	11 9	Budh
...	...	18 —	17 4	17 4	17 4	24 2	24 14	13 11	13 11(a)	11 —	11 —	Barab
...	15 12	18 9	19 11	20 4	20 4	13 8(a)	13 8 (a)	11 —	11 —	Muzaffabad
...	20 —	20 4	23 2	23 2	11 —	11 —	11 —	11 —	Rampur
23 10	21 8	21 8	21 8	19 13	19 14	21 8	24 8	9 11	9 11(a)	11 4	11 4	Muzaffarnagar
19 —	19 —	...	...	17 —	16 —	20 —	20 —	9 8	13 —	19 8	10 —	Saharanpur
...	Dohra-Dun
...	13 8	13 —	...	...	8 —	8 —	8 —	8 —	Hills—
14 8	14 8	...	...	12 —	12 —	...	...	10 —	10 —	8 8	8 8	Naini Tal
...	8 —	8 —	...	...	6 —	6 —(a)	7 —	7 —	Almora
...	Garhwal
...	Oudh—
26 —	24 8	...	...	20 —	20 —	...	...	14 —	13 —	11 —	11 8	Southern—
...	14 —(a)	14 —(a)	11 —	11 —	Partibzari
26 —	26 —	20 —	20 —	23 —	22 —	22 8	19 —	14 —	14 —(a)	11 —	11 —	Sultanpur
24 —	24 —	23 —	21 —	20 —	19 —	23 —	24 —	14 —	14 —	10 8	10 8	Barab
25 —	...	21 —	20 —	20 —	19 8	24 —	24 —	13 —(a)	13 8 (a)	10 12	10 12	Unnao
...	28 —	21 —	21 —	20 —	22 —	12 —	13 —	19 —	10 —	Lucknow
...	Hazrat
25 —	...	19 —	19 —	19 8	19 8	24 —	25 —	14 —(a)	13 12(a)	10 8	10 8	Northern—
...	22 —	15 —	18 —	21 —	21 —	24 —	25 —	13 8(a)	13 —(a)	10 —	10 —	Fazlbad
16 —	16 —	16 —	16 —	19 —	18 8	25 8	19 8	13 10	13 12	10 12	10 12	Barabanki
...	...	15 —	14 8	20 —	20 —	26 —	24 8	14 —	14 —	10 8	10 8	Ghazipur
24 —	21 —	23 —	23 —	20 —	21 8	24 —	25 —	15 —(a)	15 —(a)	10 8	10 8	Meerut
32 —	32 —	10 —	10 —	24 —	24 —	26 —	26 —	13 —	13 —	19 8	11 —	Sitapur
...	Kheri
...	Rajputana—
...	13 12	13 4	14 12	15 12	10 —	10 —	10 —	10 12	Eastern—
...	9 8	9 —	13 —	12 8	...	...	9 8	9 8	Partibzari
...	...	7 13	7 11	13 13	13 —	14 10	13 9	8 14	8 11	10 15	10 12	Ringsar
...	Mewar (Jaipur)
...	5 —	9 —	9 —	11 8	12 —	...	...	8 —	8 —	Hilly Tracts of Mewar (Dangarpur)
...	12 —	10 12	13 —	11 —	...	...	11 —	11 —	Sirohi
...	14 2	14 2	...	...	...	...	11 8	11 8	Eripur
...	...	12 8	12 —	15 13	15 8	15 5	16 2	...	...	12 8	12 8	Ajmer
...	13 —	13 —	13 11	13 3	7 13	7 9	11 9	11 9	Abu
...	12 8	15 8	16 4	17 8	...	...	12 8	13 4	Kishangarh
...	20 14	18 —	20 14	19 4	...	...	10 4	10 4	Bundi
...	17 4	13 4	16 12	14 4	7 4	6 8	9 4	9 2	Kotah
...	14 5	10 12	15 13	12 9	7 2	7 2	9 4	8 11	Jhalwar
...	12 13	12 9	15 4	16 2	...	...	10 10	10 12	Tonk
...	16 6	16 2	...	...	...	...	...	...	Jaipur
...	...	19 11	19 11	17 1	17 1	19 —	19 —	17 1	17 1	13 2	13 2	Karauli
...	13 10	13 12	...	...	15 10	18 2	10 15	10 15	Dangpur
...	...	15 12	15 12	13 13	13 15	...	...	16 13	14 8	11 8	11 8	Bharatpur
...	...	12 12	12 4	19 —	17 12	18 3	18 —	11 8	11 10	11 12	11 12	Ajmer
...	...	15 —	15 —	18 —	17 3	18 7	17 —	21 —	21 —	12 5	12 11	Alwar
...	18 —	13 12	14 10	16 3	...	...	13 —	13 —	Doh
...	15 —	15 —	...	...	8 8	8 8	13 8	13 8	Nasirabad
...	10 2	12 —	...	...	...	...	...	...	Balmor
...	12 —	12 —	13 8	12 12	...	...	11 8	11 8	Anand
...	13 12	11 —	14 —	14 4	...	...	11 8	11 8	Sambhar
...	13 2	12 12	13 12	14 6	9 6	9 1	13 11	13 11	Western—
...	10 —	10 —	...	...	...	...	21 —	21 —	Jodhpur
...	14 8	13 15	...	...	8 —	8 —	11 4	11 4	Jaisalmer
...	Bikaner
...	14 4	14 8	17 —	16 8	7 —	7 —	11 —	11 —	Central India—
...	14 12	14 —	...	...	9 4	9 4	12 —	12 —	Indore
...	Nimach
...	...	11 14	11 14	17 10	16 8	16 10	...	12 9	12 9	10 12	10 12	Gwalior
...	Punjab—
...	21 8	20 8	...	...	...	...	11 —	11 —	Southern—
...	...	10 —	10 —	20 —	19 —	21 —	21 —	10 —	10 —	12 —	12 —	Hisar
...	Ferozpur
...	22 8	19 8	23 —	21 8	9 8	9 12	12 12	12 12	Central—
...	...	22 —	24 —	23 4	22 12	22 3	20 8	...	...	13 8	13 8	Ludhiana
...	21 —	22 —	22 —	22 —	...	...	13 —	13 —	Gujranwala
...	21 8	21 —	22 8	26 —	8 —	8 —	14 —	13 —	Gujarat
...	Jhelum

DISTRICTS	WHEAT		BARLEY		RICE				JAWAR OR ONOLUM (<i>Andropogon sorghum</i>)		BAJRA OR KHRU (<i>Pennisetum typhoides</i>)	
					Best sort		Common					
	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month	Half-month of report	Pre-vious half-month
Panjab—continued												
<i>South-eastern—</i>												
Gurgaon	13 12	13 12	21 8	20 8	...	...	8 —	8 —	23 8	23 8	18 —	18 —
Delhi	13 12	14 —	22 —	21 —	...	...	10 —	10 —	21 —	20 —	17 8	17 8
Rohtak	15 —	14 12	19 —	19 —	...	...	10 —	13 —	10 —	18 8	16 8	16 —
Karnal	14 8	13 8	25 —	25 —	...	...	9 —	9 —	24 —	20 —	18 —	16 —
<i>Submontane—</i>												
Amhala	16 4	16 4	24 —	23 —	...	...	10 —	10 —	24 —	...	18 —	...
Indliana	17 12	17 —	24 —	23 8	...	...	10 —	9 8	24 —	20 8	21 —	18 —
Jalandhar	18 —	18 8	20 —	20 —	...	...	8 —	8 —	20 —	20 —	16 —	16 —
Hoshiarpur	18 —	18 —	22 —	22 —	...	...	10 —	10 —	24 —	24 —	22 —	22 —
Gurdaspur	18 —	19 —	22 —	28 —	...	...	11 —	11 —	...	...	...	...
Amritsar	17 —	17 —	25 —	25 —	...	...	9 8	9 12	24 —	23 —	19 —	19 —
Sialkot	17 —	17 —	29 —	30 —	...	...	12 —	12 —	24 —	24 —	23 —	23 —
<i>Hills—</i>												
Simla	9 14	12 12	18 12	16 —	...	...	7 —	7 —	13 —	13 —	12 —	12 —
Kangra	15 —	15 —	24 —	24 —	...	...	12 —	13 —	...	...	...	...
<i>Northern—</i>												
Rawalpindi	18 —	17 —	29 —	29 —	...	...	8 4	8 4	27 —	23 —	23 —	22 —
<i>Western—</i>												
Shahpur	20 8	20 8	28 —	28 —	...	...	7 8	8 —	20 —	20 —	23 —	23 —
Jhang	18 4	18 4	28 —	26 8	...	...	9 —	9 4	29 —	27 —	24 —	24 —
Multan	15 12	15 12	24 8	24 8	...	...	15 —	15 —	24 —	24 —	21 —	20 —
Montgomery	18 4	18 4	26 —	27 —	...	...	8 —	7 —	24 —	...	...	...
Muzaffargarh	17 8	18 —	25 —	25 —	...	...	13 —	13 —	19 —	16 —	22 —	22 8
Dera Ghazi Khan	16 9	16 9	23 12	26 4	...	...	12 8	12 8	25 —	22 8	23 8	22 2
N.-W. Frontier Province—												
Bazara	15 —	15 8	24 —	24 8	4 8	...	9 —	9 8	19 —	19 —	16 —	16 —
Peshawar	18 —	18 —	33 —	32 —	6 5	...	9 9	9 9	29 —	29 —	20 —	19 —
Kohat	15 5	15 15	25 8	24 11	5 2	...	10 13	11 3	20 6	...	22 5	21 11
Hanna	19 11	21 12	24 11	24 11	12 8	...	13 12	13 12	17 8	17 8	22 8	23 12
Dera Ismael Khan	15 —	14 6	22 8	23 8	7 —	...	7 8	7 4	21 4	21 4	20 —	18 12
Sind and Baluchistan—												
Karachi	13 8	13 —	...	...	8 8	8 —	10 —	10 —	19 —	18 —	16 —	15 —
Hyderabad	13 —	13 —	...	...	8 —	8 —	14 —	14 —	20 —	20 —	18 —	18 —
Thar and Parkar (Umarkot)	13 —	13 —	...	...	12 —	12 —	13 —	13 —	18 —	18 —	17 —	17 8
Shikarpur	13 —	13 —	...	...	9 —	9 —	10 —	10 —	23 —	22 —	21 —	20 —
Upper Sind Frontier	14 —	13 8	...	...	9 —	9 —	10 —	10 —	25 —	24 —	24 —	23 —
Quetta	14 — 15 —	13 14	16 8	16 8	4 —	4 —	8 —	8 —	18 —	17 —	16 8	16 —
Bombay—												
<i>Konkan—</i>												
Karwar	6 7	6 7	...	...	11 2	11 4	13 2	12 12	11 6	11 6	10 11	10 8
Ratnagiri	8 1	6 12	...	...	...	8 —	11 6	10 11	...	...	11 4	10 10
Alibag	7 10	7 10	...	...	8 6	8 1	9 —	9 —	...	...	10 15	10 15
Bombay	7 2	7 2	...	...	7 —	6 11	9 2	9 2	12 4	12 4	11 15	11 15
Tanna	7 5	7 5	...	...	9 4	9 4	10 8	10 3	...	...	12 10	12 10
<i>Deccan—</i>												
Dharwar	8 10	9 1	...	...	9 15	9 15	10 6	10 14	15 10	15 10	13 12	13 12
Beigam	7 10	8 2	...	...	10 8	10 8	11 —	11 —	15 9	14 8	13 11	13 11
Salata	8 11	9 1	...	...	10 5	9 3	...	10 2	16 15	14 2	19 7	16 10
Sholapur	9 12	9 12	...	...	7 10	7 10	9 12	9 12	17 14	16 2	19 11	17 14
Bijapur	10 10	10 10	...	...	7 15	7 15	10 15	10 15	17 4	14 11	18 —	15 13
Londa	7 11	7 11	...	...	8 8	8 8	9 —	9 —	13 10	13 10	12 10	12 10
<i>Khandesh—</i>												
Ahmadnagar	8 11	8 11	...	...	7 6	7 6	9 1	9 1	15 2	12 6	14 10	14 10
Nark	9 2	8 6	...	...	6 9	6 9	9 12	9 12	12 12	12 12	14 —	12 10
Daula	9 3	9 3	...	...	7 8	7 8	9 8	9 8	15 12	14 —	14 8	13 9
<i>Gujarat—</i>												
Durat	6 15	6 11	...	...	6 8	6 8	10 3	10 3	14 13	13 14	14 13	13 14
Broach	10 —	10 —	...	...	7 8	7 8	10 —	10 —	14 8	14 8	14 —	14 8
Kaira	8 —	8 —	...	...	6 8	6 8	9 —	9 —	18 —	16 —	16 —	14 8
Baroda	9 —	9 —	...	...	8 —	8 —	9 —	9 —	14 8	11 8	13 8	12 8
Ahmadabad	12 —	11 —	...	...	9 —	8 —	10 8	10 —	17 —	15 —	16 —	15 —
Gandhi	10 —	10 —	...	...	7 —	7 —	10 —	10 —	...	...	15 —	14 —
Dasa	13 —	12 8	...	...	7 —	7 —	9 8	9 8	14 —	13 —	13 8	12 12
<i>Kathiawar—</i>												
Rajkot	12 5	11 7	...	...	5 15	5 15	10 —	10 —	14 8	13 5	12 13	12 5
Central Provinces												
<i>Western—</i>												
Nimar	10 10	10 10	...	...	5 13	5 13	8 8	9 2	16 —	14 12	...	...
Khandwa	9 8	9 8	...	...	6 4	6 4	8 8	8 8	15 —	13 —	...	...
Bhongalabad	11 4	11 4	...	...	6 8	6 2	9 —	9 5	14 2	13 7	...	...
Etah	12 8	13 1	...	...	6 6	6 6	9 10	9 10	15 1	15 1	...	...
Chhindwara	13 13	12 10	...	...	8 —	8 —	10 —	8 15	15 —	18 —	...	...
Nagpur	19 10	10 10	...	...	8 2	8 2	10 15	10 15	18 6	17 4	...	...
Wardha	9 6	9 6	...	...	5 —	5 —	8 14	8 15	22 14	22 14	...	...

MARUA OR RAGI (<i>Elymus</i> <i>coracana</i>)		KANGNI OR KAKUN, ITALIAN MILLET (<i>Setaria</i> <i>italica</i>)		GRAM, CHENNA, OHOLA, KADALAY, OR SUNAGA (<i>Cicer</i> <i>aristinum</i>)		MAIZE (<i>Zea Mays</i>)		ARHAR OR THUR, CADJAN PEA (<i>Cajanus</i> <i>indicus</i>)		SALT		Districts
Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	
...	19 12	19 12	24 —	24 —	11 —	11 —	11 —	11 —	Panjab—continued
...	...	12 —	12 —	18 12	18 8	21 —	21 8	13 —	12 —	11 8	11 8	South-eastern—
...	...	8 —	8 —	19 —	18 8	20 8	19 —	11 —	11 —	11 12	11 8	Gurgaon
19 —	20 —	14 8	16 —	19 8	19 8	21 8	20 —	11 —	11 —	10 8	10 8	Delhi
...	Rohtak
...	Karnal
...	21 8	22 8	23 —	2 —	12 —	12 —	12 12	12 12	Submontane—
...	...	17 8	17 —	22 4	21 8	22 8	21 —	10 8	8 —	13 —	13 8	Ambala
...	...	20 —	18 —	21 8	21 8	24 —	24 —	...	...	13 —	13 —	Ludhiana
16 —	16 —	16 —	16 —	20 8	20 8	21 8	22 —	7 —	7 —	12 12	12 12	Jalandhar
...	21 —	22 —	24 —	22 —	...	...	12 —	13 4	Hoshiarpur
...	...	17 —	18 —	23 —	22 —	23 —	...	9 12	9 12	12 —	12 —	Gurdaspur
...	21 —	21 —	23 —	23 —	...	...	13 12	13 12	Amritsar
...	Sialkot
15 —	15 —	14 —	14 —	14 8	14 12	14 8	15 —	8 —	8 —	10 —	10 4	Hills—
...	18 —	18 —	18 —	18 —	10 —	10 —	11 —	11 —	Simla
...	Kangra
...	...	13 —	14 —	20 —	20 —	23 —	22 —	10 —	10 —	13 12	13 8	Northern—
...	Rawalpindi
16 —	18 —	14 —	15 —	25 —	25 —	18 —	18 —	8 —	8 —	13 —	13 —	Western—
80 —	80 —	35 —	30 —	19 8	19 4	30 —	29 —	10 —	10 —	12 —	12 —	Shahpur
...	...	22 —	22 —	17 4	17 —	22 —	23 —	...	...	12 4	12 4	Jhang
...	24 4	22 12	24 8	...	8 —	8 —	12 8	12 8	Multan
...	19 —	19 —	...	...	6 —	6 —	12 —	12 —	Montgomery
...	18 2	16 4	...	...	...	...	11 4	11 9	Muzaffargarh
...	Dera Ghazi Khan
...	...	16 —	16 —	14 —	14 8	21 —	21 8	8 —	8 —	11 —	11 —	N.-W. Frontier Province
...	...	17 —	16 —	20 —	19 —	29 —	26 —	10 —	10 —	17 —	17 —	Hazara
...	19 12	18 8	23 15	19 2	...	...	19 12	17 14	Peshawar
...	...	6 4	6 4	21 9	23 —	32 8	23 4	7 8	7 8	21 4	21 4	Kohat
...	17 8	17 13	...	15 —	9 —	8 12	16 4	16 4	Bannu
...	Dera Ismael Khan
...	16 —	15 —	...	...	10 —	10 —	13 —	13 —	Sind and Baluchistan—
...	14 —	14 —	...	...	8 —	8 —	13 —	13 —	Karachi
...	8 —	8 —	...	...	...	...	12 —	12 —	Hyderabad
...	17 —	17 —	...	...	10 —	10 —	12 —	12 —	Thar and Parker (Umarkot)
...	17 —	17 —	...	...	6 —	6 —	11 —	11 —	Shikarpur
...	13 —	13 —	17 8	17 —	7 —	8 —	9 —	9 —	Upper Sind Frontier
...	Quetta
14 6	13 8	...	...	10 9	10 10	...	...	9 —	9 —	10 10	10 14	Bombay—
11 12	11 12	...	...	11 11	11 —	...	...	7 7	6 12	11 11	11 1	Konkan—
9 —	9 —	...	...	11 14	11 14	...	...	7 —	7 —	12 12	12 12	Karwar
...	11 4	11 4	...	...	7 —	7 —	9 11	9 11	Ratnagiri
...	12 7	12 7	...	...	7 5	7 5	12 4	12 4	Alibag
...	Bombay
...	Tanna
18 9	18 9	...	...	11 5	11 5	...	...	9 3	9 3	10 14	10 14	Deccan—
17 —	17 —	...	...	12 —	11 —	...	...	8 8	8 8	9 3	9 8	Dharwar
...	10 14	11 10	...	...	8 6	9 13	11 —	11 —	Belgaum
...	13 8	13 8	...	...	10 1	10 1	11 —	11 —	Satara
...	13 9	13 9	...	...	10 1	10 1	12 —	12 —	Sholapur
...	12 10	12 1	...	...	7 10	7 10	11 13	11 13	Bijapur
...	Poona
15 15	12 8	12 8	...	...	9 1	8 6	12 6	12 6	Khandesh—
...	11 8	12 4	...	...	7 13	7 13	11 4	11 4	Ahmadnagar
...	11 13	11 13	...	...	8 11	8 11	11 —	11 —	Nasik
...	Dhulia
...	7 6	7 6	...	...	8 5	8 5	11 2	11 2	Gujarat—
...	13 —	13 —	...	...	9 —	9 —	12 1	12 1	Surat
...	8 —	8 —	...	...	10 —	9 —	12 8	12 8	Broach
19 —	17 8	...	...	10 —	11 —	...	...	9 —	8 —	13 —	13 —	Kaira
16 —	16 —	...	...	15 —	14 —	...	...	11 —	10 8	13 5	13 8	Baroda
19 —	17 8	...	...	13 —	13 —	...	...	8 —	8 —	13 —	13 —	Ahmadabad
...	13 8	13 4	...	...	8 8	8 8	13 —	13 —	Godhra
...	Dasa
...	12 13	12 13	...	...	8 14	8 14	110 —	110 —	Kathinawdr—
...	Rajkot
...	12 13	12 13	...	...	6 6	6 8	11 5	11 5	Central Provinces—
...	15 4	14 6	...	...	8 2	9 —	10 11	10 11	Western—
...	12 2	12 2	...	...	7 8	7 8	9 —	9 —	Nimar
...	1 11	12 11	...	...	9 —	9 —	8 —	8 —	Khandwa
...	13 12	13 12	...	...	9 6	8 12	10 —	10 —	Hoshangabad
...	11 6	11 6	...	...	9 6	8 8	10 11	10 11	Betul
...	Chhindwara
...	Nagpur
...	Wardna

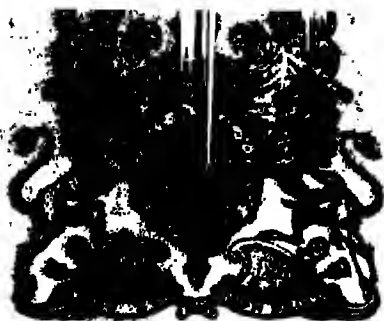
District	Wheat		Barley		Rice				Jawar or Oxolus (Andropogon sorghum)		Bajra or Oxolus (Pennisetum typhoides)	
					Best sort		Common					
	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month
Central Provinces—continued												
Central—	12 13	12 13	...	...	7 2	5 13	8 —	8 —	16 —	...	...	...
Narsinghpur	12 —	11 12	...	...	8 —	8 —	8 14	8 15	15 —	17 —	...	...
Bangor	12 —	12 —	...	...	7 8	7 —	11 —	10 8	...	...	...	...
Damoh	14 —	14 —	...	...	12 —	11 —	15 —	14 —	...	...	...	...
Jubbulpore	16 —	15 8	...	...	8 —	6 —	16 —	16 —	...	...	...	...
Mandla	16 —	16 8	...	...	8 —	8 —	10 —	15 —	...	...	...	...
Seoni	10 —	10 —	...	...	8 12	8 12	16 4	19 —	...	...	...	...
Bilāghāt	10 —	10 —	...	...	...	...	13 14	10 9	16 4	16 4	...	...
Bhandāra	9 12	9 12	...	...	...	...	...	...	...	...	...	...
Chānda . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Eastern—	14 8	12 13	...	...	10 10	8 —	14 3	12 13	...	...	...	...
Bilāspur	12 —	12 8	...	...	8 —	8 —	12 —	12 —	...	...	...	...
Raipur	12 —	11 6	...	...	8 8	8 8	15 —	13 8	...	...	...	...
Sambalpur . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Bihar—	7 4	8 —	...	...	6 —	6 —	7 —	8 —	20 —	17 —	13 8	15 8
Buldāna	9 5	8 4	...	...	5 14	3 9	9 5	8 5	22 8	17 15	...	...
Bāsim	8 —	8 —	...	...	5 —	5 —	9 9	9 9	21 4	21 4	19 —	19 —
Akola	7 8	7 8	...	...	5 —	5 —	6 —	6 —	18 12	17 —	15 —	15 —
Ellīchpur	11 —	10 —	...	...	6 —	6 —	11 —	11 —	26 —	26 —	23 —	23 —
Amrāoti	8 —	8 8	...	...	6 —	6 —	9 —	9 —	22 8	22 8	12 —	12 —
Wun . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Jiam's Territories—	6 —	6 2	10 7	10 11	4 6	4 11	8 13	8 10	11 15	12 2	16 —	14 9
Secunderabad	6 —	7 4	...	...	5 5	5 6	10 —	10 2	14 14	14 6	...	...
Bolāram	6 8	5 13	...	...	4 12	4 11	7 2	7 1	13 1	11 12	16 10	15 6
Chadarghat . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Tadras—	...	...	...	...	...	...	...	...	...	...	...	...
Malabar Coast—	...	...	...	...	...	...	8 14	8 14	...	...	...	...
Malabar . . . . .	...	...	...	...	...	...	12 —	11 6	...	...	...	...
S. Canara . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
South, central—	...	...	...	...	...	...	9 2	9 2	16 8	16 8	19 2	17 8
Coimbatore . . . . .	...	...	...	...	...	...	7 10	7 8	...	...	...	...
Nilgiris . . . . .	...	...	...	...	...	...	8 8	8 8	15 8	14 10	13 14	13 2
Salem . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Central—	...	...	...	...	...	...	8 10	8 10	14 6	12 6	...	...
Bellary . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Anantapur . . . . .	...	...	...	...	...	...	8 2	8 2	14 6	14 6	...	...
Cuddapah . . . . .	...	...	...	...	...	...	8 11	8 11	13 13	13 13	15 10	15 2
Karnul . . . . .	...	...	...	...	...	...	10 2	10 2	16 13	16 13	...	...
East Coast, north—	...	...	...	...	...	...	9 10	9 10	...	...	...	...
Ganjam . . . . .	...	...	...	...	...	...	8 8	8 8	...	...	19 13	19 13
Vinagapatam . . . . .	...	...	...	...	...	...	10 —	9 —	15 6	16 5	...	...
Godavari . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
East Coast, central—	...	...	...	...	...	...	9 14	9 14	14 3	12 10	...	...
Kistna . . . . .	...	...	...	...	...	...	10 10	10 10	14 6	14 6	13 6	13 6
Nellore . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
East Coast, south—	...	...	...	...	...	...	8 2	8 2	...	...	...	...
Madras . . . . .	...	...	...	...	...	...	9 —	8 5	...	...	...	...
Chingleput . . . . .	...	...	...	...	...	...	9 13	9 6	...	...	...	...
N. Arcot . . . . .	...	...	...	...	...	...	10 8	10 8	...	...	20 2	20 2
S. Arcot . . . . .	...	...	...	...	...	...	10 13	11 5	...	...	21 —	23 3
Tanjore . . . . .	...	...	...	...	...	...	7 14	7 14	13 5	12 3	13 14	13 14
Trichinopoly . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Southern—	...	...	...	...	...	...	10 10	10 10	14 5	15 11	13 2	12 11
Tinnevely . . . . .	...	...	...	...	...	...	9 11	9 5	16 3	13 13	13 3	13 3
Madura . . . . .	...	...	...	...	...	...	...	...	...	...	...	...
Mysore—	6 2	6 2	...	...	8 —	8 —	9 2	9 —	20 3	16 2	...	...
Mysore	7 13	8 3	...	...	7 7	7 12	8 14	8 5	...	...	...	...
Bangalore	7 —	7 —	7 —	7 —	6 —	6 —	7 —	7 —	...	...	...	...
Kolar	6 —	6 —	7 —	7 —	7 —	7 —	7 8	7 8	14 —	14 —	...	...
Tumkur	7 —	7 —	7 —	7 —	9 —	8 —	10 —	9 —	...	...	...	...
Lassen	6 —	6 —	7 —	7 —	8 —	8 —	9 —	9 —	16 —	16 —	...	...
Channarayana	7 6	7 3	8 6	7 14	8 2	8 6	11 9	11 9	18 14	18 14	...	...
Chitaldrug	6 —	7 —	7 —	8 —	7 —	7 —	8 —	8 —	16 —	16 —	12 —	14 —
Goorg—	6 —	6 —	6 —	6 —	9 8	9 —	12 8	12 8	...	...	...	...
Goorg	7 —	7 —	...	...	6 2	6 2	7 —	7 —	14 —	14 —	12 4	12 4

MAHUL OF LAGI (<i>Kleinsia coracina</i>)		KANGNI, OR KAKUN, ITALIAN MILLET (<i>Setaria italica</i>)		GRAM, CHENNA, CHOLA, KADALAY, OR SUNAGA (<i>Oicer arietinum</i>)		MAINE* (<i>Zea Mays</i>)		ARHAR OR THUS, OAJIAN PBA (<i>Oajanus indicus</i>)		SALT		DISTRICTS
Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	Half- month of report	Pre- vious half- month	
Central Provinces—continued												
Central—												
...	...	...	...	12 13	12 13	...	...	10 11	10 11	9 2	9 2	Narsinghpur
...	...	...	...	15 —	15 —	...	...	11 —	11 —	10 8	10 8	Sangor
...	...	...	...	17 8	17 8	...	...	10 12	10 12	9 2	9 2	Banooh
...	...	...	...	16 —	15 —	...	...	12 —	11 —	10 —	10 —	Jubbulpore
...	...	...	...	17 —	17 —	...	...	10 —	10 —	9 —	9 —	Mandla
...	...	...	...	13 —	12 —	...	...	8 —	9 —	9 8	9 8	Seoni
...	...	...	...	10 —	10 —	...	...	7 8	7 8	8 —	8 —	Bilaghāt
...	...	...	...	13 12	13 12	...	...	7 8	7 8	9 4	9 4	Bhandāra
...	...	...	...	9 5	9 6	...	...	8 7	8 7	9 —	9 —	Chānda
Eastern—												
...	...	...	...	14 3	14 3	...	...	9 2	9 2	9 2	9 2	Bilāspur
...	...	...	...	13 —	12 8	...	...	9 8	9 8	9 8	9 8	Baipur
...	...	...	...	13 —	...	...	...	7 —	6 8	9 8	10 —	Sambalpur
Berar—												
...	...	...	...	12 8	10 —	...	...	7 8	8 —	9 —	9 —	Buldāna
...	...	...	...	10 15	11 6	...	...	8 4	8 —	10 —	10 —	Bāsim
...	...	...	...	13 —	12 —	...	...	8 —	8 —	12 —	12 —	Ākola
...	...	...	...	9 8	9 —	15 —	15 —	8 —	8 —	9 —	9 —	Ellichpur
...	...	...	...	12 —	12 —	...	...	10 —	10 —	11 —	11 —	Amrāoti
...	...	...	...	10 12	10 12	...	...	8 8	8 8	10 —	10 —	Wun
Nizam's Territories—												
16 3	14 9	...	...	10 —	10 8	...	...	12 8	12 —	8 13	8 15	Secunderabad
...	...	...	...	10 1	10 13	...	...	...	...	8 15	9 4	Bolāram
...	...	...	...	11 4	11 3	...	...	7 12	7 1	8 15	8 3	Chadarghāt
Madras—												
Malabar Coast—												
...	...	...	...	...	...	...	...	...	...	12 —	12 —	Malabar
...	...	...	...	...	...	...	...	...	...	12 11	11 14	S. Canara
South, central—												
16 6	16 6	...	...	...	...	...	...	...	...	11 2	11 2	Coimbatore
...	...	...	...	...	...	...	...	...	...	10 10	10 10	Nilgiris
15 6	14 8	...	...	...	...	...	...	...	...	10 14	10 14	Salem
Central—												
15 8	15 —	...	...	...	...	...	...	...	...	12 10	12 10	Bellary
15 8	15 8	...	...	...	...	...	...	...	...	11 8	11 8	Anantapur
14 10	14 10	...	...	...	...	...	...	...	...	12 3	12 3	Cuddapah
14 3	14 3	...	...	...	...	...	...	...	...	10 11	10 11	Karnul
East Coast, north—												
14 3	14 3	...	...	...	...	...	...	...	...	9 11	9 11	Caujam
17 —	15 14	...	...	...	...	...	...	...	...	13 3	13 3	Vizagapatam
18 3	18 3	...	...	...	...	...	...	...	...	12 2	12 2	Godāvari
East Coast, central—												
17 2	15 10	...	...	...	...	...	...	...	...	13 3	13 3	Kistna
14 6	14 6	...	...	...	...	...	...	...	...	12 13	12 13	Nellore
East Coast, south—												
13 14	13 8	...	...	...	...	...	...	...	...	13 5	13 5	Madras
13 11	12 5	...	...	...	...	...	...	...	...	13 5	13 5	Chingleput
13 11	12 13	...	...	...	...	...	...	...	...	11 10	11 10	N. Arcot
15 14	15 14	...	...	...	...	...	...	...	...	13 3	13 3	S. Arcot
13 14	16 14	...	...	...	...	...	...	...	...	13 5	13 5	Tanjore
15 11	15 11	...	...	...	...	...	...	...	...	10 14	10 11	Trichinopoly
Southern—												
16 6	16 6	...	...	...	...	...	...	...	...	13 13	13 13	Tinnevely
16 5	16 5	...	...	...	...	...	...	...	...	13 2	13 2	Madura
Mysore—												
18 2	16 2	...	...	10 1	10 1	...	...	7 —	6 7	11 —	11 —	Mysore
14 8	14 8	...	...	10 4	9 15	...	...	6 4	6 4	11 13	11 13	Bangalore
14 —	12 —	...	...	10 —	10 —	...	...	7 —	6 —	10 —	10 —	Kolar
15 —	15 —	...	...	8 —	8 —	...	...	6 —	6 —	10 —	10 —	Tumkur
16 —	16 —	...	...	8 —	9 —	...	...	6 4	6 4	8 —	9 —	Hassan
16 —	16 —	...	...	7 —	7 —	...	...	6 —	6 —	9 —	9 —	Kadur
19 15	19 7	...	...	9 7	10 3	...	...	7 6	7 14	9 15	10 8	Shimoga
17 —	18 —	16 —	20 —	8 —	8 —	...	...	6 —	6 —	8 —	9 —	Chitaldrug
Coorg—												
19 8	19 —	...	...	13 —	11 8	...	...	6 —	6 —	10 —	9 8	Coorg
...	9 3	9 3	7 —	7 —	32 —	32 —	Aden

J. A. ROBERTSON
Offg. Director-General of Statistics

J. F. FINLAY

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The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 52. } CALCUTTA, SATURDAY, DECEMBER 28, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART I.

Government of India Notifications, Appointments, Promotions, etc.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Calcutta, the 27th December 1901.

No. 1846.—The portion of Home Department Notification No. 1608, dated the 15th November 1901, which purported to place the services of Lieutenant G. P. T. Groube, I.M.S., temporarily at the disposal of the Government of Burma, is hereby cancelled.

No. 1847.—The services of the undermentioned officers are placed temporarily at the disposal of the Government of Burma :—

Captain M. Dick, I.M.S. (Madras).

Lieutenant Manmatha Nath Chaudhuri, M.B., I.M.S.

No. 1849.—The services of Captain T. H. Delany, M.B., I.M.S., are placed temporarily at the disposal of the Government of Bengal.

No. 1851.—The services of Captain Bhola Nauth, I.M.S. (Madras), are placed temporarily at the disposal of the Government of Madras.

PLAGUE.

The 23rd December 1901.

No. 2381.—The following telegram is published for general information:—

Telegram, dated Pera, the 20th December 1901.

From—His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at Constantinople,
To—His Excellency the Viceroy.

Batoum quarantine removed.

JUDICIAL.

The 26th December 1901.

No. 1746.—The services of Major W. Hudson, Cantonment Magistrate, Jhansi, are replaced at the disposal of His Excellency the Commander-in-Chief in India

No. 1748.—The services of Captain N. T. Parker, 6th Bengal Infantry, are placed temporarily at the disposal of the Government of the North-Western Provinces and Oudh for employment as an officiating Cantonment Magistrate.

The 27th December 1901.

No. 1763.—The Hon'ble the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed Mr. R. Sheepshanks, of the Indian Civil Service, to be Registrar on the Appellate Side of the Court, with effect from the 30th September 1901, the date of the appointment of Mr. E. P. Chapman, Indian Civil Service, to be a District and Sessions Judge.

POLICE.

The 26th December 1901.

No. 954.—The services of Lieutenant G. M. Lennox, 17th Bombay Infantry, are placed at the disposal of the Government of Burma for employment in the Burma Military Police.

ECCLESIASTICAL.

The 23rd December 1901.

No. 576.—The Reverend R. A. Cumine, a Senior Chaplain on the Bengal (Lucknow) Ecclesiastical Establishment, is permitted to retire from the service, with effect from the 15th April, 1902.

J. P. HEWETT,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATIONS.

FORESTS.

Calcutta, the 27th December, 1901.

No. 1321-252-9-F.—On return from furlough, Mr. E. G. Chester, Conservator, 3rd grade, is posted to the charge of the Northern Forest Circle in the Central Provinces, of which he relieved Mr. J. A. McKee, Conservator, 1st grade, in the afternoon of the 10th December, 1901.

Mr. McKee is posted to the charge of the Oudh Forest Circle, of which he relieved Mr. A. G. Hobart-Hampden, Officiating Conservator, in the forenoon of the 19th December, 1901, the latter officer reverting to his substantive appointment of Deputy Conservator, 1st grade, in the North-Western Provinces and Oudh from the same date.

No. 3352—45-32.—In exercise of the power conferred by section 20, sub-section (2), clause (4), of the Indian Mines Act, 1901 (VIII of 1901), and in supersession of the rule issued with Notification No. 3053—45-27, dated the 15th November, 1901, the Governor General in Council is pleased to make the following rule prescribing the authority to whom, the form in which and the time within which notices under section 17 of the said Act shall be given, namely:—

Rule.

When any accidental explosion or other accident occurs in or at a mine, causing loss of life or serious bodily injury, the owner, agent or manager of the mine shall give notice of the accident to the Chief Inspector of Mines, Calcutta, by despatching to the Magistrate of the District a notice in the form set forth below, within twenty-four hours of the occurrence of such accident.

Form.

Notice of a serious accident which occurred in or at the (a) _____ (b) _____
mine situate in the (c) _____ belonging to (d) _____

1	2	3	4	5	6	7
Date of accident.	Hour of day or night.	Name and sex of persons killed or seriously injured, with details of injuries sustained.	Reputed age.	Occupation.	Brief statement of cause of accident in the terms detailed on the reverse.	Explanatory remarks as to cause of death or injury.

- (a) Here state name of mine.
(b) Here give description of mine or name of mineral wrought.

- (c) Here state the locality, *vis.*, village, station, district and province in which the mine is situated.
- (d) Here mention the name of the owner or company.

No.

Dated *the* 190 .

*Forwarded to the Chief Inspector of Mines, Calcutta, through the District Magistrate of _____

Owner, Agent or Manager

1. Falls in Mine—
Fall of roof, stone or coal.
2. Falls in Mine—
Fall of sides.
3. Falls in Mine—
Fall of coal in working places.
4. In Shaft—
Overwinding.
5. In Shaft—
Ropes and chains breaking.
6. In Shaft—
Whilst ascending or descending by machinery.
7. In Shaft—
Falling into shaft from the surface.
8. In Shaft—
Falling from a part of the way down.
9. In Shaft—
Things falling from surface.
10. In Shaft—
Things falling from a part of the way down.
11. In Shaft—
Miscellaneous.
12. Miscellaneous below ground—
Explosion of fire-damp.

13. Miscellaneous below ground—
Suffocation by gases.
14. Miscellaneous below ground—
By explosives.
15. Miscellaneous below ground—
Irruptions of water and falling into water.
16. Miscellaneous below ground—
On inclined and engine planes.
17. Miscellaneous below ground—
By trams or tubs.
18. Miscellaneous below ground—
By Machinery.
19. Miscellaneous below ground—
By other causes.
20. On Surface—
By Machinery.
21. On Surface—
Boilers or steam pipes bursting.
22. On Surface—
On railways or tramways belonging to mine.
23. On Surface—
Miscellaneous.

J. B. FULLER,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Fort William; the 27th December, 1901.

No. 4572-I.A.—The following Resolution of the Government in the Foreign Department is published for general information:—

Extract from the Proceedings of the Government of India in the Foreign Department, No. 3129-I.A., dated Simla, the 19th August, 1901.

READ—

Resolution of the Government of India in the Foreign Department, No. 117-I.P., dated the 31st January, 1880, authorising all Political Officers to grant licenses to the Native Chiefs under their charge, for the export of arms and ammunition from British territory in reasonable quantities for their personal use.

Resolution of the Government of India in the Foreign Department, No. 759-G., dated the 21st September, 1882, authorising Political Officers to grant licenses to any of the nobles and high officials of the Native States under their political charge, whom they may consider entitled to this privilege.

Letter from the Chief Secretary to the Government of Fort St. George, No. 439, dated the 19th March, 1901, pointing out the inconvenience involved in the existing order, which require that in certain cases a reference must be made to the Political Officer concerned, before a license can be granted by the Commissioner of Police for the export of arms and ammunition to a Native State.

1. OBSERVATIONS.—By the Resolutions of 1880 and 1882 all Political Officers were authorised to grant licenses to the Native Chiefs and nobles and high officials of the States under their political charge, for the export of arms and ammunition from British territory in reasonable quantities for personal use. The Residents in Mysore and Baroda are also empowered to grant licenses for the export of arms and ammunition to any person residing in Mysore or Baroda territory, whether for personal use or for sale.

the Deputy Commissioner of Police in Calcutta are empowered to grant licenses for the export to a Native State of arms and ammunition in reasonable quantities required for ~~bona fide~~ personal use, provided that the importer belongs to one of the classes of persons mentioned in paragraph I of the Notification of the Government of India in the Home Department, No. 518 (Public), dated the 6th March, 1879; but in all cases where the importer is not both a European British subject and a gazetted civil or commissioned military officer, a previous reference must be made to the Political Officer of the State. It has been pointed out by the Government of Madras that the necessity for a reference to the Political Officer in such cases causes delay and inconvenience both to the importer and to the licensed dealer; and that, in the case of ordinary shot cartridges imported in reasonable quantities for personal use, the reference would seem to be unnecessary. The Governor of Madras in Council has therefore suggested that, in place of the special reference to the Political Officer required by the existing orders, a register should be maintained by the licensing officer, in which should be included, after a preliminary reference to the Political Officer concerned, the names of those residents in each Native State to whom consignments of shot cartridges may be exported without objection.

RESOLUTION.—The Governor-General in Council considers that the object in view may best be attained by extending the powers at present possessed by Political Officers of sanctioning the export of arms and ammunition to the States under their political charge. The Governor-General in Council is therefore pleased, under rule 7 of paragraph VI of the Notification of the Government of India in the Home Department, No. 518, dated the 6th March, 1879, as subsequently amended,—

- (1) to empower the Residents in Hyderabad, Mysore, Baroda, Nepal, and Kashmir, the Agent to the Governor-General in Baluchistan, and all Political Officers in Rajputana and Central India, to grant licenses for the export of arms and ammunition of every kind (subject to the exceptions noted below), whether for personal use or for sale, to the Native States under their political charge;
- (2) to remit the fee of Rs 5 in the case of arms and ammunitions exported for the personal use of persons of the classes mentioned in paragraph I of the said notification:

Provided that the power which is thus conferred upon Political Officers shall not extend to (a) cannons; (b) rifles which are not intended for sporting purposes (including those of the 303 bore, and of the 450 and 577 bores of the Martini-Henry and Snider patterns); (c) Magazine pistols (*i.e.*, those of the Mauser, Bergmann, Borchardt and Colt patterns), which can only be imported into India by special license of the Government of India in the Home Department; (d) military stores of any kind except sulphur; (e) ball ammunition which can be fired from the rifles and pistols specified above.

The Commissioners of Police in Madras and Bombay, the Deputy Commissioner of Police in Calcutta, and the other officers to whom authority has been delegated under rule 7 of the Arms Act Rules, will retain the power, which they now possess, to grant licenses under prescribed conditions for the export of arms and ammunition to the Native States. But it must be understood that in future no such officer may grant a license for the export to a Native State of any arms or ammunition, for the import of which into India a special order of the Government of India in the Home Department is required. Such export licenses will in future be granted only by the Secretary to the Government of India in the Foreign Department.

The Hon'ble the Resident at Hyderabad.
 The Hon'ble the Resident in Mysore.
 The Hon'ble the Agent to the Governor-General in Central India.
 The Hon'ble the Agent to the Governor-General in Rajputana.
 The Hon'ble the Agent to the Governor-General in Baluchistan.
 The Resident at Baroda.
 The Resident in Nepal.
 The Resident in Kashmir.
 The General Superintendent of Operations for the Suppression of Thagi and Dakaiti.

ORDER.—Ordered that this Resolution be forwarded to all Local Governments and Administrations and to the Political Officers noted on the margin for information and guidance.

No. 2143-E.A.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in

"(a) The Committee, with the previous sanction of the Agent to the Governor-General, may by bye-law—

(a) render licenses necessary for the proprietors or drivers of vehicles, drawn by animals or persons, kept or plying for hire within the limits of the Municipality, and fix the fees payable for such licenses, and the conditions on which they are to be granted and may be revoked; and

(b) limit the rates which may be demanded for the hire of any vehicle, and the loads to be carried by such vehicle when hired within the Municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours:

Provided that no such bye-law shall apply to any vehicle to which the Quetta Hackney Carriage Law, 1889, applies."

2. In section 104, after the word 'rule,' wherever it occurs, the words 'or bye-law' shall be inserted; and after the words 'Governor-General,' wherever they occur, the words 'or the Committee, as the case may be' shall be inserted.

No. 2003-G.—With reference to Notification No. 1132-G, dated the 5th July, 1901, Mr. E. J. Foucar, Consul for Germany at Moulinein, has resumed charge of his office.

H. S. BARNES,

Secretary to the Government of India.

FINANCE AND COMMERCE DEPARTMENT.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Calcutta, the 24th December, 1901.

No. 6530-P.—Mr. W. H. E. Mellor is posted as Assistant Accountant General, Punjab, with effect from the 17th of December, 1901, and until further orders.

The 26th December, 1901.

No. 6536-P.—The following promotion is made in the Enrolled List of the Financial Department, with effect from the 16th of November, 1901:—

Mr. C. F. Cowie to class VI, substantive *pro tempore*.

The following promotions and reversions of officers of the Account Department are notified:—

With effect from the 16th of November, 1901—

Mr. C. F. Cowie to officiate in class V,

Mr. O. J. Sykes to officiate in class VI, instead of in class V, and

Mr. A. G. Barr to officiate in class VI, of the Enrolled List.

With effect from the 27th of November, 1901—

Mr. R. A. Gamble to officiate in class II, and

Mr. W. H. Dobbie to revert to class III of Accountants General,

Mr. R. C. Chapman to officiate in class I of the Enrolled List, instead of in class III of Accountants General.

Mr. F. G. H. Anderson to officiate in class II, instead of in class I,

Mr. J. P. Hardiman to officiate in class III, instead of in class II,

Mr. K. L. Datta to revert to class IV,

Mr. W. D. Woollam to officiate in class V, instead of in class IV, and

Mr. C. F. Cowie to revert to class VI, of the Enrolled List.

With effect from the 1st of December, 1901—

Mr. M. A. N. A. Hydari to revert to class IV,

Mr. C. W. C. Carson to revert to class V, and

Mr. H. Bhimasena Rau to revert to class VI, of the Enrolled List.

J. F. FINLAY,

Secretary to the Government of

William, the 27th December, 1901.

FIELD OPERATIONS.

CHINA.

No. 1154.—The following appointments are made, with effect from the dates specified:—

Lieutenant-Colonel H. D'U. Keary, D.S.O., 31st Burma Light Infantry, to be Post Commandant, Peking, *vice* Colonel Alexander, vacated. Dated 25th August, 1901.

Lieutenant-Colonel H. D'U. Keary, D.S.O., 31st Burma Light Infantry, to be Post Commandant, Tongshan, in addition to his other duties, *vice* Captain Prendergast, relieved. Dated 17th September, 1901.

Captain H. J. De B. Barnett, 31st Burma Light Infantry, to be Post Staff Officer, 2nd class, Peking, *vice* Captain Griffiths, vacated. Dated 25th August, 1901.

Lieutenant R. E. Mahon, Royal Engineers Special Service Officer, to be graded as Staff Captain. Dated 29th December, 1900.

Lieutenant F. G. Turner, Royal Engineers Special Service Officer, to be graded as Staff Captain. Dated 1st January, 1901.

Captain E. C. Creagh, 4th Punjab Infantry, to be Special Service Officer, graded as a Deputy Assistant Adjutant General, with effect from the 20th July, 1901, and not as notified in G. G. O. No. 981 of 1901.

Lieutenant W. T. F. Thompson, 4th Punjab Infantry, to be Special Service Officer, graded as Staff Captain. Dated 8th September, 1901.

Captain C. G. W. Hunter, Royal Engineers to be Special Service Officer, graded as Deputy Assistant Adjutant General. Dated 6th July, 1901.

Brevet-Colonel R. C. G. Mayne, C.B., Aide-de-Camp to the King, 30th Baluch Infantry, to be Post Commandant, Shanghai. Dated 14th September 1901.

Captain C. U. Price, 30th Baluch Infantry, to be Post Staff Officer, 2nd class, Shanghai. Dated 14th September, 1901.

Lieutenant C. R. Scott-Elliott, 4th Madras Pioneers, to be Field Intelligence Officer. Dated 25th September, 1901.

LONDON GAZETTE.

No. 1155.—The following extracts are published for general information:—

"*London Gazette*," dated the 3rd December, 1901, page 8563.

WAR OFFICE,

Pall Mall, 3rd December 1901.

The following notification is substituted for that which appeared in the gazette, of 28th December, 1900:—

Captain (now Brevet-Major) W. R. Birdwood, Indian Staff Corps, to be a Brigade-Major, Field Force, South Africa, from 10th January, 1900, to 14th October, 1900, and to be a Deputy Assistant Adjutant General from 15th October, 1900, with the local rank of Major whilst so employed, from 10th January, 1900.

* * * * *

Indian Staff Corps.—Colonel William Oliver Thompson, D.S.O., is transferred to the unemployed supernumerary list. Dated 14th November, 1901.

The temporary rank of Major granted to Captain D. E. Mocatta and Captain W. H. Savage, in the gazette of 27th August, 1901, is whilst those officers are serving as regimental seconds in command, Indian Army, and not as therein stated.

PROMOTIONS.

INDIAN STAFF CORPS.

No. 1156.—In continuation of G. G. O. No. 713 of 1901, the Governor General in Council is pleased to notify that the Secretary of State for India in Council has decided that, in further modification of paragraph 84 of G. G. O. No. 332 of 1861, the periods of service in the Staff Corps, *viz.*, 8, 6 and 4 years, hitherto required for promotion to the ranks of Lieutenant-Colonel, Major and Captain, respectively, are abolished, with effect from the 10th July, 1901.

No. 1157.—The following promotions and antedates of promotions are made, subject to His Majesty's approval:—

Lieutenants to be Captains.

10th July, 1901.

William Edmund Pye.

James Craik (not from 7th September, 1901).

John Marshall Molesworth Collard.

Archibald Ythen Cheyne (not from 29th July, 1901).

Arthur Manson Houston (not from 12th July, 1901).

Reginald Edwin Bond (not from 19th October, 1901).

John Deane Reece (not from 25th October, 1901).

Charles Bliss.

13th July, 1901.

Hugh Edward Herdon (not from 25th July, 1901).

Reginald O'Bryan Taylor.

Robert Thomas Christopher Calvert.

John Stewart Mortimer Harcourt (not from 4th October, 1901).

13th August, 1901.

Arthur Louis Bickford.
Richard Ducat (not from 31st August, 1901).
Robert Ind Chamberlain.

31st August, 1901.

William John Phœlim Preston.

28th September, 1901.

Archibald Francis Stewart.

5th October, 1901.

Richard Alexander Steel.

ORDNANCE DEPARTMENT.

Southern Circle.

No. 1157.—Assistant Commissary with the honorary rank of Lieutenant Thomas Southam to be Deputy Commissary and to have the honorary rank of Captain, subject to His Majesty's approval:

Deputy Assistant Commissary with the honorary rank of Lieutenant Henry Adutt to be Assistant Commissary;

Conductor Alexander Sydney Dawson-Moray to be Deputy Assistant Commissary and to have the honorary rank of Lieutenant, subject to His Majesty's approval;

Sub Conductor James Robert Hunter, Assistant Overseer, Harness and Saddlery Workshops, Madras, *seconded*, to be Conductor, *seconded*;

Sub-Conductor John Hilton, Assistant Overseer, Gun Carriage Factory, Madras, *seconded*, to be Conductor, *seconded*;

Sub-Conductor Richard John Montgomery to be Conductor; and

Store Sergeant Ernest Henry Hewitt to be Sub-Conductor,—

with effect from the 8th November, 1901, to complete the establishment on augmentation.

RETIREMENTS.

No. 1159.—Lieutenant-Colonel Layard Livingston Fenton, Indian Staff Corps, Political Department, Bombay, is permitted to retire from the service, with effect from the 9th January, 1902, subject to His Majesty's approval.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

No. 1160.—*Calcutta Port Defence Volunteer Corps*—

(*Naval Division*)

Engineer William Elkin to be Chief Engineer, with effect from the 25th October, 1901, *vice* Robertson, resigned.

No. 1161.—*Behar Light Horse*—

Edward Golding Barton, Gentleman, to be Second-Lieutenant, with effect from the 7th November, 1901, *vice* Edgell, resigned.

No. 1162.—*Allahabad Light*

Lieutenant Percy Gray to be Captain, with effect from the 10th December, 1901, *General*, resigned.

No. 1163.—*Madras Artillery Volunteers*—

Lieutenant Thomas Henry Baker to be Captain, with effect from the 16th November, 1901, to fill an existing vacancy.

No. 1164.—*Rangoon Volunteer Artillery.*

Thomas William Langdon-Bruce, Gentleman, to be Second-Lieutenant, *vice* Morrison, transferred to the supernumerary list.

No. 1165.—*Hyderabad Volunteer Rifles*—

Meredith Fitzwalter Wren, Gentleman, to be Second-Lieutenant, *vice* Barr, resigned.

No. 1166.—*South Indian Railway Volunteer Rifles*—

Captain Charles Crighton to be Commandant with the rank of Lieutenant-Colonel, with effect from the 1st October, 1901, *vice* Bruce, deceased.

No. 1167.—*Madras Railway Volunteers*—

Lieutenant Alfred Christopher Gale to be Captain, with effect from the 2nd September, 1901, on augmentation.

Lieutenant Percy Gwynedd Porteous to be Captain, with effect from the 2nd September, 1901, on augmentation.

Second-Lieutenant John Bolton Macfarlane to be Lieutenant, with effect from the 2nd September, 1901, *vice* Gale, promoted.

Second-Lieutenant Gustavus Waring Giles to be Lieutenant, with effect from the 2nd September, 1901, *vice* Porteous, promoted.

Second-Lieutenant Ernest Anson to be Lieutenant, with effect from the 2nd September, 1901, on augmentation.

Second-Lieutenant John George Ralph Marsh to be Lieutenant, with effect from the 2nd September, 1901, on augmentation.

Charles Harold Hill, Gentleman, to be Second-Lieutenant, with effect from the 2nd September, 1901, *vice* Macfarlane, promoted.

Markham Maitland LeMarchand, Gentleman, to be Second-Lieutenant, with effect from the 2nd September, 1901, *vice* Giles, promoted.

No. 1168.—*2nd (Presy.) Battalion, Calcutta Volunteer Rifles*—

Charles Hopwood Gibson, Gentleman, to be Second-Lieutenant, with effect from the 4th December, 1901, to fill an existing vacancy.

No. 1169.—*East Coast Rifle Volunteers*—

Major Arthur George Romilly to be Commandant with the rank of Lieutenant-Colonel, with effect from the 16th September, 1901, *vice* Bell, resigned.

...in consequence the Governor of India is pleased to confer the Velup-Officers' Decoration upon the undermentioned officer of the Indian Volunteer Force, who has been duly recommended for the same, under the Royal Warrant of the 24th May, 1894 (India Army Circulars, Clause 101, of 1894):—

Rangoon Volunteer Rifles.

Captain William Joseph Redmond.

MARINE DEPARTMENT.

FURLOUGH AND LEAVE.

No. 46.—The undermentioned officer has been granted an extension of leave by the Right Hon'ble the Secretary of State for India:—

Lieutenant D. H. Gibsons, Royal Indian Marine, (m. c.) for two months.

E. G. BARROW, *Major-General,*

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

IRRIGATION, ROADS AND BUILDINGS.

NOTIFICATIONS.

Calcutta, the 23rd December, 1901.

No. 525.—Mr. J. A. Price, Executive Engineer, 1st grade, Burma, temporarily employed in Bengal, is permitted to retire from the service of Government, under the provisions of article 509 of the Civil Service Regulations, with effect from the 6th December, 1901.

No. 526.—Mr. N. F. Mackenzie, Superintending Engineer, 3rd class, temporary rank, North-Western Provinces and Oudh, officiated as Sanitary Engineer to that Government in addition to his own duties, from the 25th September to the 5th November, 1901, both days inclusive. From the 6th November, 1901, he is appointed to officiate as Sanitary Engineer, with the rank of officiating Superintending Engineer, *vice* Mr. W. B. Gordon, on deputation.

C. W. ODLING,

Offg. Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 28, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, etc.

GAZETTE OF INDIA.

NOTICE.

The 30th September, 1901.

From the 9th November next till further notice, the complete *Gazette of India* will be published at Calcutta. After the 2nd November all Notifications and other matter intended for publication in the Gazette should be addressed to the Publisher, 8, Hastings Street, Calcutta.

Attention is invited to the following Circular Memo. of the Government of India, Home Department, of August, 1901:—

"It has been brought to the notice of this Department that matter for the *Gazette of India* is sometimes sent to the Press late on Friday evenings for publication in the next day's Gazette, and that this involves considerable inconvenience to the Press and expense to Government. In the Circular Memorandum of this Department, No. 777—79, dated 9th February, 1870, the Government of India directed that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Press not later than 2 P.M. on Friday, and that any papers sent thereafter must be certified to be extremely urgent in order to ensure their appearance in the next day's Gazette. The undersigned is directed to request that these orders may be more strictly observed in future and that Departments will refrain from sending to the Press as extremely urgent any papers which can without harm or inconvenience be held over for the next Gazette."

J. P. HEWETT,

Secretary to the Government of India.

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W. ROSS,

Publisher, *Gazette of India*.

II A

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE General.

INVENTIONS and DESIGNS.

Calcutta, the 26th December 1901.

NOTIFICATIONS.

No. 3990 P.—APPLICATIONS in respect of the undermentioned inventions have been filed, under the provisions of the Inventions and Designs Act of 1888, in the office of the Secretary appointed under that Act during the week ending 21st December, 1901 :—

No. 479 of 1901.—William Frederick Singer, a citizen of the United States, residing at Bridgeport, state of Connecticut, U. S. A. *Improvements in refrigerating systems.*

No. 480 of 1901.—John Gwynne, engineer, of 81, Cannon street, in the city of London, England, and Edward Washbourn Sargeant, engineer, of Hammersmith iron works, Hammersmith, in the county of Middlesex, England. *Improvements in and means for aerating slimes.*

No. 481 of 1901.—Gustav Dürr, mechanical engineer, of Ratingen, near Düsseldorf, Germany. *Improvements in or connected with doors for boiler and other furnaces.*

No. 482 of 1901.—John Gwynne, engineer, of 81, Cannon street, in the city of London, England, and Edward Washbourn Sargeant, engineer, of Hammersmith iron works, Hammersmith, in the county of Middlesex, England. *Improvements in means for aerating liquids.*

No. 483 of 1901.—Edward Calston Lovell, engineer, of 109, Chesterfield road, Ashley Down road, Bristol, England. *Improvements in paper bag making machines.*

No. 484 of 1901.—Henry James Sydney Gilbert-Stringer, gentleman, of 37, Tavistock Crescent, Westbourne Park, in the county of London, England. *An improvement in the justifying of lines of type, and apparatus for that purpose.*

No. 485 of 1901.—James Albert Chambers, glass manufacturer, of Pittsburg, Allegheny county, state of Pennsylvania, U. S. A. *Improvements in the manufacture of glass articles, and apparatus therefor.*

No. 486 of 1901.—Dr. Albert Calmette, director of The Institut Pasteur of Lille, France. *A process for oxidising indigo extracted from indigo bearing plants.*

No. 487 of 1901.—Rai Bahadur Gunga Ram, M.I.C.E., executive engineer, Lahore. *Improvements in well construction.*

No. 488 of 1901.—Dr. V. K. Kirloskar, L. M. and S., Sholapur. *An improved warp-winding and leasing machine for preparing leased warps as are required for hand-loom weaving.*

No. 489 of 1901.—Charles Frampton, mechanic, Carriage and Wagon Department, E. I. Railway Company, Howrah, Bengal, British India. *Secure and rainproof label cases for railway wagons or vehicles and for trunks or portmanteaux.*

No. 3991 P.—SPECIFICATIONS of the undermentioned inventions have been filed, under the provisions of the Inventions and Designs Act of 1888, in the office of the Secretary appointed under that Act, and copies have been sent to the Governments of Madras, Bombay and Burma, and the Director of the Department of Land Records and Agriculture, North-Western Provinces and Oudh. These and other specifications are open to public inspection, from 11 A.M. to 4 P.M., at the Secretary's office (Imperial Secretariat, Government Place, West, Calcutta), on payment of a fee of one rupee, and a certified copy of any one of them will be supplied on payment of the fixed expenses of copying :—

No. 25 of 1901.—Shamboo nath, saraf (Jeweller), Katra Parja, Amritsar. *Improvements in the method of testing gold, called the "Shamboo gold testing scheme."*
(Specification filed 19 August 1901.)

in the county of the city of Glasgow, Scotland. *Improvements in automatically coupling and uncoupling railway carriages, wagons and similar vehicles.* (Specification filed 16 December 1901.)

No. 201 of 1901.—Louis Engelhorn, merchant, of No. 44, Cedar street, city of New York, state of New York, U. S. A. *Process and apparatus for manufacture of ice.* (Specification filed 16 December 1901.)

No. 269 of 1901.—Archibald White Maconochie, merchant, of the firm of Maconochie Bros., of 131, Leadenhall street, in the city of London, England. *Improvements in the manufacture of tins or containers for enclosing preserved foods, provisions or the like.* (Specification filed 18 December 1901.)

No. 360 of 1901.—Robert Oxlade, electrical engineer, of No. 177, George street, Redfern near Sydney, in the state of New South Wales and Commonwealth of Australia, and William Joseph White Richardson, electrician, of No. 114, Annandale street, Annandale, near Sydney, aforesaid. *Improvements in audible electric telegraphy.* (Specification filed 12 December 1901.)

No. 3992 P.—THE fees prescribed in the fourth schedule to the Inventions and signs Act of 1888 have been paid for the continuance of exclusive privilege in respect of the undermentioned inventions for the periods shown against each:—

No. 30 of 1890.—William Jackson. *Improvements in apparatus for drying tea leaves, coffee grain or other produce.* (From 26 May 1902 to 26 May 1903.)

No. 96 of 1890.—The Engelberg Huller Company. *A machine for hulling, cleaning, and polishing rice and other grain.* (From 2 March 1902 to 2 March 1903.)

No. 222 of 1891.—William Jackson. *Improvements in machinery or apparatus for rolling tea leaf.* (From 4 January 1902 to 4 January 1903.)

No. 325 of 1891.—William Jackson. *Improvements in application of air blast or exhaust apparatus for keeping tea leaf cool whilst being operated on in tea rolling machines.* (From 16 September 1902 to 16 September 1903.)

No. 76 of 1893.—William Jackson. *Improvements in air heating stoves, more especially intended for use with machinery or apparatus for drying tea.* (From 22 June 1902 to 22 June 1903.)

No. 332 of 1893.—Marshal Burns Lloyd. *Improvements in machines for making coiled wire fabric.* (From 9 January 1902 to 9 January 1903.)

No. 416 of 1893.—William Jackson. *Improvements in tubular heating stoves, more especially intended for heating air for use in drying tea or other produce.* (From 22 December 1902 to 22 December 1903.)

No. 347 of 1893.—William Jackson. *Improvements in apparatus for subjecting materials to the action of hot air or for analogous operations, more especially intended for use in drying tea leaves, coffee and other produce.* (From 22 December 1902 to 22 December 1903.)

No. 238 of 1895.—William Jackson. *Improvements in apparatus for rolling tea leaf and the like.* (From 11 October 1902 to 11 October 1903.)

No. 257 of 1895.—William Jackson. *Improvements in apparatus for subjecting materials to the action of hot air, more especially intended for drying tea leaves and other produce.* (From 11 October 1902 to 11 October 1903.)

No. 108 of 1896.—William Jackson. *Improvements in, or connected with machinery or apparatus for drying tea leaf, or the like.* (From 11 May 1902 to 11 May 1903.)

No. 143 of 1896.—William Jackson. *Improvements in, or connected with webs, trays, flaps, or carriers, for carrying tea leaf or other substances, in drying machines.* (From 8 June 1902 to 8 June 1903.)

No. 240 of 1896.—Charles Fitzroy Alexander Hallifax Bagot. *Improvements in, and connected with pneumatic tyres for velocipedes and other vehicles.* (From 22 December 1901 to 22 December 1902.)

No. 241 of 1896.—Charles Fitzroy Alexander Hallifax Bagot. *Improvements in pneumatic tyres for velocipedes and other vehicles.* (From 22 December 1901 to 22 December 1902.)

No. 456 of 1896.—Bernhard Baron. *Improvements in cigarettes, and in method of and apparatus for manufacturing the same.* (From 26 February 1902 to 26 February 1903.)

No. 347 of 1897.—William Richard Sumption Jones and Everard Richard Calthrop. *Improvements in or in connection with buffers and draw-bars for rail-vehicles and other similar vehicles.* (From 24 February 1902 to 24 February 1903.) General.

No. 3993 P.—WHEREAS the inventors of the undermentioned inventions have respectively failed to pay, within the time limited in that behalf by the fourth schedule to the Inventions and Designs Act of 1888, the fees hereinafter respectively mentioned, it is hereby notified that under the provisions of section 8, sub-section (2), of the said Act, the exclusive privilege of making, selling, and using the said inventions in British India, and of authorising others so to do, has ceased:—

No. 42 of 1897.—Samuel Cleland Davidson. *Improvements in the manufacture of black tea from the green tea leaf.* (Specification filed 31 August 1897.)

No. 43 of 1897.—Samuel Cleland Davidson. *Improvements in apparatus for withering or limping tea leaf in the course of its manufacture into black tea.* (Specification filed 31 August 1897.)

No. 47 of 1897.—Thomas Crisp Sanderson. *Improvements in apparatus for drying white-lead, colours and other powdery, granular or nodular substances.* (Specification filed 6 September 1897.)

No. 62 of 1897.—James Frank Duryea. *Improvements in motor-vehicles and the like.* (Specification filed 31 August 1897.)

No. 75 of 1897.—Kelso King. *Improvements in pneumatic tyred wheels to facilitate the inflation of the tyres.* (Specification filed 31 August 1897.)

Fee in respect of the continuance of an exclusive privilege—

4 (a) After the filing of the specification and before the expiration of the fourth year from the date of the filing thereof—

The sum of Rs 50 for each of the above inventions.

No. 260 of 1895.—James Edward Whiting. *Improvements of self-acting gates for water-ways.* (Specification filed 1 September 1896.)

Fee in respect of the continuance of an exclusive privilege—

After the expiration of the fourth year and before the expiration of the fifth year from the date of the filing of the specification—

The sum of Rs 50 for the above invention.

No. 356 of 1893.—Thomas Hesketh Biggs. *Improvements in or connected with punkah wheels.* (Specification filed 3 September 1894.)

Fee in respect of the continuance of an exclusive privilege—

4 (d) After the expiration of the sixth year and before the expiration of the seventh year from the date of the filing of the specification—

The sum of Rs 50 for the above invention.

NOTICES.

All communications relating to Act V (the Inventions and Designs Act) of 1888 should be addressed to the "Secretary to the Government of India, Department of Revenue and Agriculture (PATENTS BRANCH), CALCUTTA."

The Office of the Secretary under the Act is open for the transaction of business from 11 A.M. to 4 P.M. on all days, except Sundays and gazetted holidays.

The Government of India are advised that, as trade marks are not "designs" within the meaning of the Act, they cannot be registered under Part II.

The fees payable under the fourth and sixth schedules are now collected in cash, and applicants are warned that they must be responsible for any delay in cashing cheques.

Copies of the weekly notifications, and of the quarterly lists of applications and specifications filed in the Secretary's office are now on sale to the public at one anna and eight annas a copy respectively.

is requested to the rules made by the Government on the 10th October, 1895, in preparation of applications, specifications, and drawings.

All applications made under the Inventions and Designs Act, V of 1888, will from this date (December 14th, 1896) lie in the visitor's room of the Patents Office for ten days from the date of the *Gazette of India* in which their filing may have been notified; or, if the tenth day is a holiday, till the evening of the office day next following.

At the time of delivering and sending an application for leave to file a specification, the applicant shall cause a duplicate copy of the application to be delivered or sent therewith to the Secretary.

S. C. HILL,
*Secretary under the Inventions and
Designs Act, 1888.*

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 21st December, 1901.

No. — The undermentioned Warrant Officer is granted leave in and out of India on medical certificate under Article 980, Army Regulations, India, Volume I, Part I, the leave to have effect from the 10th of September, 1901:—

b Conductor J. Jameson, Telegraph Department. For one year.

FRED. CLEAN,
Director General of Telegraphs.

CALCUTTA UNIVERSITY.

NOTICE.

Mahamahopadhyaya Chandra Kanta Tarkalan-
kar, Sreegopal Basu Mallik Fellow for 1901-
1902, will deliver his second lecture of the fifth
year on the general principles of Hindu Philoso-
phy, with special reference to the Vedanta and
Upanishads, at the Senate House, College
Square, on Saturday, the 4th January, 1902, at
3-30 P.M. The above lecture, as well as all sub-
sequent lectures to be delivered by the Fellow
on the subject, will be open to the public.

A. C. EDWARDS,
Registrar.

SENATE HOUSE,
The 21st December, 1901.

NOTICE.

"The office of the Board of
be removed from No. 17, Elysium
26, Mangoe Lane (late Agra
from 1st January, 1902."

THE HONOURABLE THE CHIEF COMMISSIONER, AJMER- MERWARA.

NOTIFICATION.

Abu, the 19th December, 1901.

No. 159—331.—In exercise of the powers
conferred on him by section 12 of the Code of
Criminal Procedure (Act V of 1898), the
Honourable the Chief Commissioner is pleased
to invest Munshi Kishen Lal, sub *pro tem.* Naib
Tahsildar of Ajmer, with the ordinary powers
of a Magistrate of the third class to be exer-
cised in the Ajmer District.

By order,
R. M. KING,
*First Assistant to the Governor-General's
Rajputana, and Chief Commissioner
Ajmer-Merwara.*

NORTH WESTERN RAILWAY.

NOTIFICATIONS.

Lahore, the 19th December, 1901.

No. 30.—Mr. S. E. S. William, Assistant
Traffic Superintendent, class III, grade 3, of
the Superior Revenue Establishment of State
Railways, is granted, under articles 264A, 277
and 369 of the Civil Service Regulations, privi-
lege leave combined with leave on Medical
Certificate for 12 months, *vis.*, privilege leave for
10 days and leave on Medical Certificate for the
remaining period, with effect from the 15th
November, 1901.

No. 31.—Mr. F. E. Cole, Assistant Engineer,
3rd grade, passed the Lower Standard Examin-
ation in Hindustani prescribed in Public
Works Department Code, Volume I, Chapter II,
176, on the 7th October, 1901.

S. FINNEY,
Manager, North-Western Railway.

یہ دوا کلکتہ کے بڑے بڑے ولایتی اور دیہی
دواخانوں میں بھی بکلی ہی — — —
مذکورہ بالا کے محمول ذاک چار اون
چار آٹھ آٹھ اونس والے تین کا آٹھ
تین والے تیس کا بارہ آٹھ